



# **WASHINGTON STATE COURT INTERPRETER CERTIFICATION**

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## **Oral Exam Skill Building Workshop Russian**

**August 9 & 10, 2008  
Bellevue Community College**

## Printing Tips



Once you have completed your design, print on a plain sheet of paper. Hold the printed sheet behind the Avery® product to check the alignment of your layout. Due to variations between printers, slight adjustments to the layout may be necessary. If the entire sheet is slightly misaligned and you can change the margin settings in your software application, try adjusting the top and/or left margins slightly. When satisfied with the layout, print onto the Avery® product. Feed the sheet as appropriate for your particular printer.

### Print a Half-Sheet - Save the rest for later

**NOTES:** Only for printers capable of feeding 8.5" x 5.5" paper sizes.

1. Split insert sheet in half - horizontally.

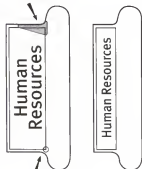


2. Feed into printer on non-perforated side (see arrows on top and bottom of insert sheet).

## BIG TABS are better!

- Use large size fonts or print more lines of text on big inserts.
- Keep inserts from falling out of tab with secure indent point.
- Slide in or remove inserts easily with easy-access notch.

Easy access notch



**BIG TAB**

Standard



**Feed this end into printer**  
Avery **BIG TAB** Inserts for Dividers - 8 TAB

## Printing your inserts is easy!

### Step 1 - Format



1. Using one of the solutions in these instructions, type your tab titles in the template.

### Step 2 - Print



2. Use your laser or ink jet printer to print titles onto the insert sheets.

### Step 3 - Insert



3. Fold inserts in half and slide into **BIG TAB**. Side-by-side printing allows tab to be read from both sides.

## We're Here To Help

If you do not have Internet access but would like to receive the Microsoft® Word for Windows® templates mentioned in these instructions on CD, call our Consumer Service Center at 1-800-GO-AVERY.

### Contacting Avery Dennison Technical Support

Avery Dennison Technical Support Phone  
503-469-3300

Avery Dennison Technical Support Fax  
503-574-1330

1-800-GO-AVERY  
(1-800-462-8379)

 [www.avery.com](http://www.avery.com)

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658163CN

**Feed this end into printer**  
Avery **BIG TAB** Inserts for Dividers - 8 TAB



## Microsoft® Word

for Windows

Microsoft® Word 2002/XP/ Microsoft® Word 2000 and Microsoft® Word 97

1. Select **Tools > Letters and Mailings > Envelopes and Labels or Tools > Envelopes and Labels.**
2. On the **Labels** tab, click **Options.**
3. For **Printer Information** (if not already selected), select **Laser and Ink Jet**. For **Label products:** select **Avery standard.**
4. Under **Product number:**  
For 5 Tab select **Divider Tab Inserts 5 - Tabs** or **Worksaver 5 - Tabs.**  
For 8 Tab select **Divider Tab Inserts 8 - Tabs** or **Worksaver 8 - Tabs.**
5. Click **New Label.** Make the following changes to the existing 5 Tab or 8 Tab settings:

	5 Tab	8 Tab
Label Name:	Big Tabs 5	Big Tabs 8
Top margin:	1.0"	0.5"
Side margin:	2.25"	2.75"
Vertical pitch:	0.5"	0.5"
Horizontal pitch:	2.0"	1.5"
Label height:	0.5"	0.5"
Label width:	2.0"	1.5"
Number across:	2	2
Number down:	18	20
Page size:	Letter	Letter

6. Click **OK.** Click **OK** again. Click **New Document.**
7. The new document contains a table with cells for each label. If the table gridlines are not visible, select **Table > Show Gridlines** to display them.
8. To center and enter text:
  - Press **Ctrl A** to highlight all the inserts
  - Press **Ctrl E** to set center for all the inserts
9. Type text in first insert. Press **Tab** key to move to next cell. Type the same text side-by-side to create an insert that can be read from both sides of the tab.
10. Repeat until all inserts are created. Format the text as desired.
11. Proceed to **Printing Tips.**

## Download a Microsoft® Word Template



1. To download a template for Microsoft® Word 97 for Windows® and later versions, go to **www.avery.com** and select the **Software** option.
2. On the **Software** page, locate the **Find Software by Product Number** dialog box, enter the number for this product and click **Search.** OR look for the **Blank Template** links from the **Software** page and enter the product number where indicated.

## Receive a Microsoft® Word Template by E-Mail



Avery® has created a template that will help you format this product in Microsoft® Word 97 for Windows® and later versions.

1. To request this template, send an e-mail to **templates@averydennison.com.** Type the following in the subject line: **BIG TAB Insertable**

**NOTE:** The subject line must contain the exact text described above. Do not type anything in the message area.

2. Your request will be processed automatically. A reply will be sent with the requested template. Save the attached template file to the desired location on your computer.
3. Locate and double-click the file to open the template in Microsoft® Word and design your product.

4. When ready to print, proceed to **Printing Tips.**

**NOTE:** If your company automatically removes attachments from Incoming e-mail, you may receive a reply from us without the attached template file(s). Also, we periodically update our system which may delay our response time. If you do not receive a response within 48 hours or are unable to receive attachments, please contact us at 1-800-GO-AVERY.

## Select a Template in Avery® Software or Other Popular Software



Avery® templates for this product are also included in Avery® DesignPro™, Avery Wizard™ and Corel® WordPerfect™. Select a template with one of the following descriptions:  
**Avery® Worksaver® BIG TAB Insertable Dividers - 5 Tab or 8 Tab or BIG TAB Insertable (or Insert) 5-Tab or 8-Tab.** Refer to your software's **Help** file or manual for additional information on Avery preset templates.

## Personalize and Print a Pre-Designed Layout from our Web Site



Using the Avery® Print section of our Web site, you can easily design and print this product directly from the Web.

1. Go to **www.avery.com.** Using your mouse, point to the **Avery Print** option at the top of the page and two options will appear. Click **Start Now.**
2. Locate and select this product from the **Dividers** category. Follow the on-screen instructions to select a design.
3. Personalize the design by changing the text and graphic. Select a new graphic from our on-line gallery or use one of your own.
4. When satisfied with the design, continue to follow the on-screen instructions through the print process.

## Agenda

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**Day 1: August 9, 2008**

**Group B**

**Workshop Introduction**

**Room 267**

**René Siegenthaler**

**Katrin Johnson**

**9:00 – 9:30**

- Welcome
- Introducing instructors
- Workshop format & objectives
- Oral exam format

**Susana Stettri Sawrey**

**9:30 – 10:00**

- Introduction to Court Interpreting
- The three modes of interpreting:
  - \* Sight Translation
  - \* Consecutive Interpretation
  - \* Simultaneous Interpretation

**Break**

Pre-order lunch in the Deli

**10:00 – 10:15**

**Session 1**

**Room 271**

**Note-taking skills**

**Consecutive Interpreting – Claudia A'Zar**

**10:15 - 12:00**

**Break**

**Lunch**

**12:00 – 1:00**

**Session 2**

**Room 267**

**Sight Translation – Susana Stettri Sawrey**

**1:00 – 2:45**

**Break**

**2:45 – 3:00**

**Session 3**

**Room 268**

**Introduction to Simultaneous Interpreting**

**Memory Skills – Karina Avagimova**

**3:00 – 4:45**

**Questions & Adjourn**

**4:45 – 5:00**



## Agenda

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**Day 2: August 10, 2008**

**Group B**

<b><u>Session 4</u></b> <b>Room 271</b>	<b>Consecutive Interpreting</b> <b>Claudia A'Zar</b>	<b>9:00 – 10:45</b>
<b><u>Break</u></b>	(Students may wish to order and pay for lunch in the Deli)	<b>10:45 – 11:00</b>
<b><u>Session 5</u></b> <b>Room 268</b>	<b>Simultaneous Interpreting B</b> <b>Karina Avagimova</b>	<b>11:00 - 12:00</b>
<b><u>Break</u></b>	<b>Lunch</b>	<b>12:00 – 1:00</b>
<b><u>Session 5</u></b> <b>Room 268</b>	<b>Simultaneous Interpreting B</b> <b>Karina Avagimova</b>	<b>1:00 – 1:45</b>
<b><u>Break</u></b>		<b>1:45 – 2:00</b>
<b><u>Session 6</u></b> <b>Room 267</b>	<b>Simultaneous Interpreting A</b> <b>Susana Stettri Sawrey</b>	<b>2:00 – 3:45</b>
<b><u>Questions &amp; Evaluations</u></b>		<b>3:45 – 4:00</b>

## SIMULTANEOUS INTERPRETATION IN COURT

- Most common mode of court interpreting
- Generally done from English into second language
- Non-English-speaking defendants are not “present” unless they have everything said in the courtroom interpreted for them

## COMMANDMENTS:

- Never be silent when source language is spoken (except for very brief pauses)
- Must interpret every single statement uttered in the courtroom
- Maintain the same language level or register (style) in which the original statement is made
- Interpret the message regardless of defendant’s ability to get it
- Target language version should be as intelligible to the non-English-speaking layman as the original message is to the average English-speaking layman
- Interpret thoughts rather than words

## TIME LAG (DECALAGE)

- Time elapsed before interpreter begins rendering source language into target language
- The amount of lag time depends on objective factors ( the nature of the SL text and the relations of equivalence between the SL and TL) and subjective factors (the interpreter’s knowledge and familiarity with the situation and speaker, fatigue and individual preference)
- More lag time = greater accuracy
- 1 time lag = 1 “full thought”

## SHADOWING

- Repetition of what the speaker said, word for word, in the same language lagging a full thought behind the speaker
- Do not “catch up” with the speaker



**Continuing  
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**Class Evaluation**

Year/Quarter \_\_\_\_\_

Instructor Name \_\_\_\_\_

Class/Item # \_\_\_\_\_

*Thank you for choosing BCC! Your candid, thoughtful evaluation is critical in helping us improve the quality of our instruction.*

	Strongly Disagree				Strongly Agree
	1	2	3	4	5
1. <b>Instructor's knowledge and preparation</b> demonstrated command of the subject matter and was consistently well prepared for class sessions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. <b>Instructor's delivery</b> communicated clearly when speaking, writing or demonstrating and adequately answered questions and clarified concepts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. <b>I would recommend this Instructor</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. <b>Learning atmosphere</b> there were adequate opportunities for student participation and the instructor was receptive to ideas and comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. <b>Course content and effectiveness</b> the course material broadened my viewpoints, increased my knowledge, or expanded my skills in this subject	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. <b>Overall rating of class</b> the course met my needs or goals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. <b>I would recommend this class to a friend</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. **The best thing about this class was:** \_\_\_\_\_

9. **What would make your BCC experience better?** \_\_\_\_\_

10. **Please indicate your primary reason for taking this class:** ☐ Personal Enrichment ☐ Career Development

In the next three years BCC Continuing Education may add an East County campus to better serve our customers. One possible location is 8 miles east of Issaquah (near the Snoqualmie Ridge exit) just off I-90 (about 16 miles from the I-90 / I-405 intersection). Please help us ensure that our plans will meet the needs of our current customers by answering the following two questions.

11. <b>If this class had been offered only at a location near Snoqualmie Ridge where I-90 intersects with Hwy 18, I still would have taken it.</b>	<b>Strongly Disagree</b>				<b>Strongly Agree</b>
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. **My home zip code is:** \_\_\_\_\_

*Thank you for your input.*

**To return this form, please:**

1. Fold the top half down on dotted line
2. Fold the bottom half up on dotted line
3. The open side should be at the top
4. Seal with tape (no staples or glue)
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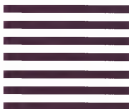
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Washington Court  
Interpreter Program



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Script 2  
Script 3  
Script 4  
Script 5

Washington Court  
Interpreter Program



Script 6  
Script 7  
Script 8  
Script 9  
Script 10

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Interpreter Program



Script 12  
Script 13  
Script 14  
Script 15

Washington Court  
Interpreter Program



Script 17  
Script 18

# INSTRUCTOR BIOGRAPHIES

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## **Karine Avagimova**

Karine Avagimova is a court certified Russian language interpreter and translator for the District Superior, Municipal, Family and Juvenile Courts, Mental Health Courts, Columbia Legal Services, Northwest Justice Project, Department of Health and Social Services, and Naturalization Services. Since 2001 she has taught the Fundamentals of Interpreting course at The Translation & Interpretation Institute at Bellevue Community College. She has also taught interpreting courses in Russian at Seattle Central Community College. Her educational achievements include a M.A., Diploma of Teacher of Russian and English Languages and Literature from the State Pedagogical Institute of Russian and Foreign Languages in Yerevan, former USSR.

## **Susana Stettri Sawrey**

Susana Stettri Sawrey is a Spanish court interpreter certified both by the State of Washington and the U.S. Federal Court System. At present, she works as a staff interpreter and assistant manager of the Office of Interpreter Services for King County Superior Court. She has been the academic director of interpreting and an instructor for the T & I Institute at Bellevue Community College since 1992. She also serves as adjunct faculty at the Court Interpreting Summer Institute at the University of Arizona and the Bilingual Court Interpreting MA Program at the College of Charleston, South Carolina. Her educational background includes a Ph.C. in Spanish Literature and a M.A. in Romance Linguistics from the University of Washington, as well as a Teaching Certificate from the University of Buenos Aires, Argentina. Susana Stettri Sawrey has served as past president and founding member of the Washington State Court Interpreters and Translators Society (WITS), and past president of the Northwest Translators and Interpreters Society.

## **Claudia A'Zar**

Claudia A'Zar is a Spanish court interpreter certified by the US Courts and the State of Washington. Born and raised in Mexico, she began learning English at an early age. Claudia has extensive experience working in conference and court settings in many venues in Washington State and the USA. She is also a translator specializing in forensic transcription and translation. Claudia has an educational background in Business and Economics from the University of Las Americas in Puebla, Mexico, and has studied at the Court Interpreting Summer Institute at the University of Arizona and at the Translation & Interpretation Institute at Bellevue Community College. Currently Claudia works as a teaching assistant in advanced Spanish interpretation at Bellevue Community College.

As Advocacy Chair for the Washington State Court Interpreters and Translators Society, she works to defend the interests of language professionals and educate the public.

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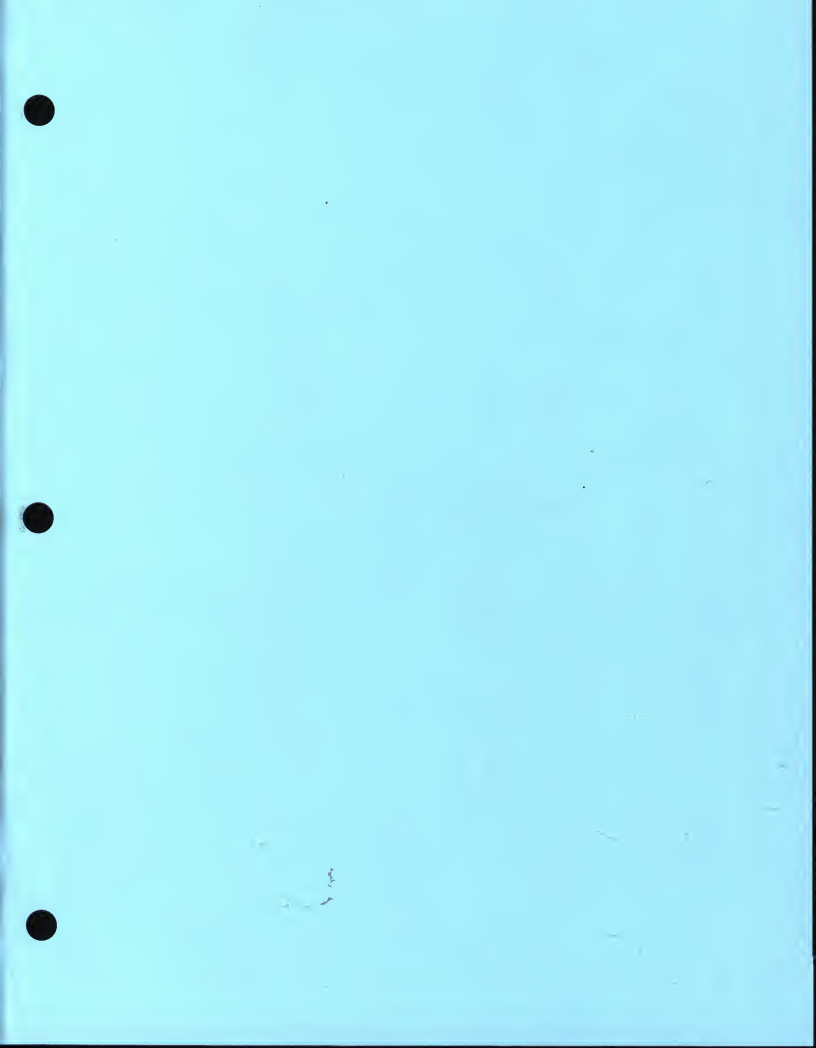
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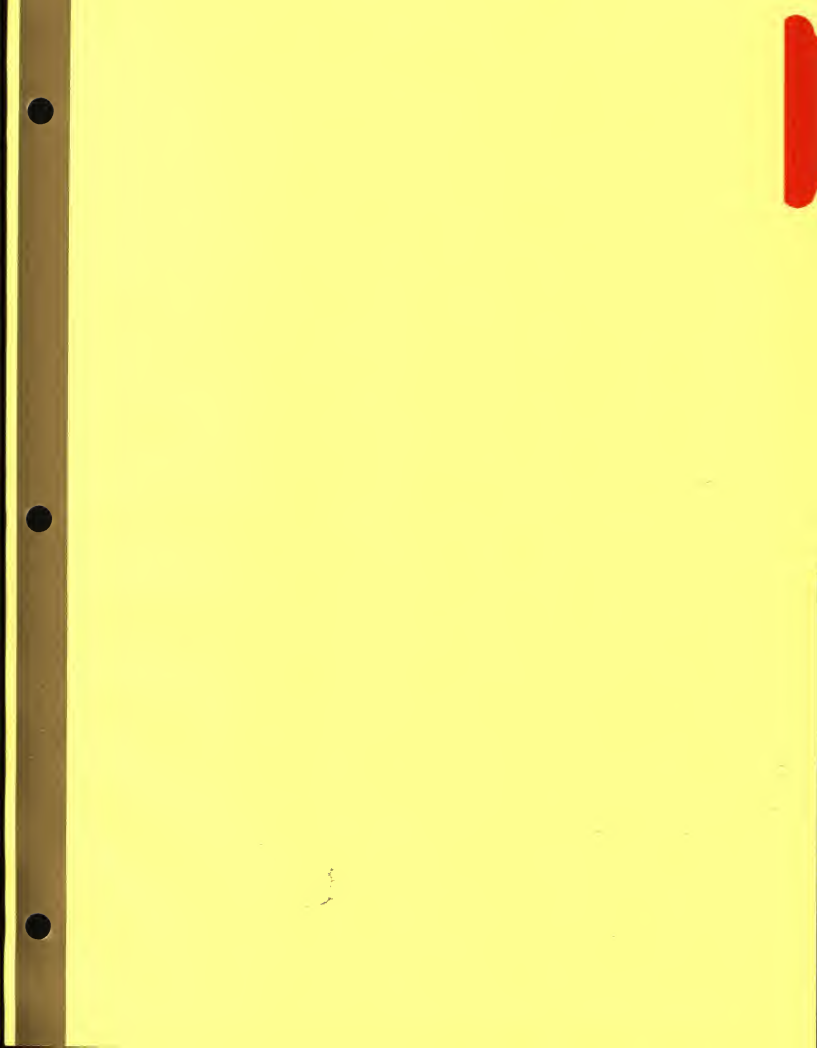


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## Washington State Court Interpreter Certification Oral Exam Preparation Workshop

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You have already demonstrated your knowledge of professional conduct and basic justice system concepts, procedures and terminology in the written exam – now you will prepare for the oral proficiency exam. This workshop is designed to give you practice and feedback on the skills needed for that oral exam for the Washington State Court Interpreter Certificate. Participants will:

- Understand the scoring and non-scoring units of the test evaluation
- Recognize the procedures for taking the exam
- Practice note-taking techniques
- Practice memory skills development techniques
- Practice simultaneous interpreting
- Practice consecutive interpreting
- Practice sight translation of written English into another language
- Practice sight translation of another written language into English

**IT IS EXPECTED THAT, AFTER TAKING THIS  
WORKSHOP, YOU CONTINUE TO PRACTICE  
THESE SKILLS DAILY TO INCREASE YOUR FLUENCY.**

Written and recorded materials to help you continue developing your skills, as well as suggestions for practicing, will be provided in this class.



## WORKSHOP FORMAT

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This workshop is designed to help you increase your court interpretation skills to improve your chances of passing the state certification oral exam. Each of the instructors is a court certified interpreter. The workshop itself is "language neutral" as the instructors may not be fluent in your language. However, you will be practicing with partners who do speak your language, and their feedback will help you.

Your assigned group will rotate through three sessions each day, practicing different skills in each session.

## QUESTIONS AND ANSWERS

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**NOTE:** words in *italics* are defined in the Glossary of Terms in the Resource section.

### What do court interpreters do?

In English-speaking countries, they interpret for people who cannot communicate effectively in English when they come before the courts. These people include *defendants* and *witnesses* in criminal courts, as well as *litigants* and *witnesses* in family and civil courts. Interpreters also work in out-of-court settings, such as attorney-client meetings, *depositions*, witness preparation sessions, and interview with court support personnel (e.g., *probation*).

The interpreter's job is to interpret (translate orally) from one language to another everything that is said, preserving the tone and level of the original language – nothing is added or deleted.

Interpretation is one of three modes, depending on the circumstances: simultaneous, consecutive, or sight translation. Trained interpreters use the same grammatical person as the speaker for whom they are interpreting.

### How do you study to become a court interpreter?

First, know your languages. Full bilingual proficiency, ample vocabulary and knowledge of standard grammar are prerequisite. Court interpreter training normally focuses on legal vocabulary and interpreting skills.

A few colleges and universities in the U.S. offer minors or certificates in court interpreting, and/or interpreting or translation generally. There are occasional short-term seminars and workshops offered around the country.

One indispensable self-training technique is to go to court and observe the proceedings. Mentally interpret to yourself. Can you do it? Write down the terms that stump you, and then look for solutions in dictionaries.

### What can I do to improve my language skills?

Try to read as much and as widely as possible in both English and your target language. Newspaper and magazine articles about crimes, court cases, and the criminal justice system are recommended. Foreign periodicals are suggested over U.S. published periodicals in the target language. Foreign periodicals are generally available at international newsstands and bookstores in major cities of the U.S. You should also take every opportunity to speak both English and your target language in a wide variety of settings.

### **What happens if an interpreter makes a mistake?**

Not *if*, but *when*, because interpreters are human and humans do make errors. Interpreters are ethically obligated to correct their mistakes immediately – assuming they are aware of the mistake. If not, it is up to someone else to bring the error to the court's attention. There are complex and sensitive issues of protocol involved. Poor interpretation has indeed caused injustices. That is why standards, training, and certification are so vitally important.

### **What if an interpreter doesn't know how to interpret a word or phrase?**

This is a question of ethics and technique. If an interpreter is interpreting for a witness and that witness says something that the interpreter does not understand, the interpreter is obligated to seek clarification, after asking the judge's permission. If the interpreter is simultaneously interpreting the proceedings, the answer depends on whether the importance of the thing said seems sufficient to outweigh the intrusiveness of interrupting the proceedings to request a repetition or clarification, and that determination depends on the interpreter's judgment. Theoretically, the interpreter should always interrupt in such situations, but many often do not.

In proceedings longer than about half an hour, interpreters should work in teams of two, not only to relieve one another periodically so as to avoid fatigue, but also to provide mutual assistance with these sorts of problems.

In a perfect world, interpreters are fully trained and prepared for the material they interpret, the acoustics are ideal, and the speakers are considerate.

### **What does it take to become a competent court interpreter?**

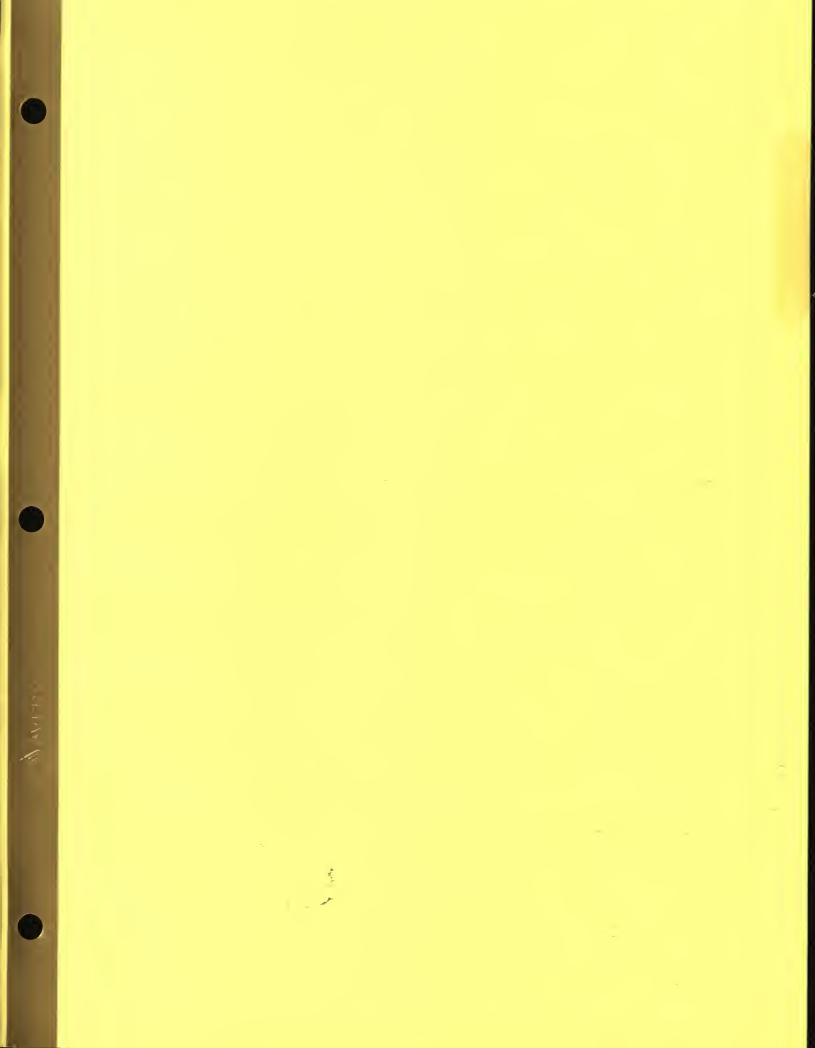
- Native-like mastery of both English and the target language;
- Wide, general knowledge (characteristic of a person with at least two years of college-level education);
- An extensive vocabulary ranging from formal legal language to colloquialisms and slang;
- Mental and verbal agility;
- The ability to deal with lawyers, court personnel, the public, etc.;
- An understanding of the terminology and procedures used in court; and
- Training, practice, and experience.

Compiled from the NAJIT (National Association of Judiciary Interpreters and Translators), ACEBO and NCSC (National Center for State Courts) websites:

• [www.najit.org](http://www.najit.org) • [www.acebo.com](http://www.acebo.com) • [www.ncsconline.org](http://www.ncsconline.org)









WASHINGTON  
COURTS  
ADMINISTRATIVE OFFICE OF THE COURTS

# THE COURT INTERPRETER ORAL EXAM

- Interpreter Oral Exam Details
- Definitions of Interpreting
- Professional Practice of Court Interpreters
- Interpreter Exam Preparation Tips



## INTERPRETER ORAL EXAM DETAILS

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### **1. What does the test measure?**

The test measures your *language knowledge* of both English and your other language and your *ability to fluently and accurately render* the meaning *from one language into* the other language in the **three modes of interpreting**:

Simultaneous interpreting, consecutive interpreting, and sight translation. The test measures what a court interpreter should and must be able to do to meet minimum professional requirements (William Hewitt, 1995).

*Fluency* means speaking without hesitation and pronouncing the words so they do not interfere with others' understanding. *Accuracy* is transmitting the meaning exactly from one language to the other.

### **2. Where do I go for the test?**

Your exam will take place at Bellevue Community College's North Campus (10700 Northup Way, Bellevue).

Each test candidate has an individual test appointment.

- When you arrive, report directly to the registration clerk to check in, confirm your appointment and identify.
- After completing registration paperwork (*including an oath and affidavit promising not to reveal any information about the test to anyone after you take the exam*), take a seat in the waiting area until a test administrator calls your name.
- The test administrator will take you to the testing room and give you instructions.

### **3. How long is the test?**

Test appointments are on a staggered schedule to keep the registration, waiting and test time to about 75 minutes. The test itself is about one hour. Remember to show up **on time**.

#### **4. What do I need to bring?**

Bring your test registration **confirmation forms** and **photo identification**, like a driver's license or passport. *If you do not have photo ID, make advance arrangements with the test coordinator from whom you received your registration form to agree on some other form of acceptable positive identification.*

Purses, backpacks, etc. are not allowed in the testing room. They may be stored in the registration area. *No tape recorders or other mechanical devices will be allowed in the testing room.*

#### **5. What is in the testing room?**

Usually, only you and the test administrator are in the room. Your consent is needed if another observer/examiner is to be present. The test administrator has a "script" of instructions that is read to every candidate.

There is a table and chairs. On the table will be a water pitcher, paper cups, notepad, pens and pencils for note-taking, and two audio cassette tape recorders and a CD player with earphones. One of the tape recorders will tape your test, and is turned on as you enter the room (the entire test is tape-recorded). The CD player is for listening to the pre-recorded simultaneous and consecutive portions of the test.

#### **6. What happens in the testing room?**

There are four parts of the test, each based on real transcripts or other court documents, designed to simulate the real world of court interpreting. Each part tests one of the modes of interpreting:

**Simultaneous interpretation** (consists of an audio tape or CD recording of a passage based on an attorney's opening or closing statement to judge or jury to be interpreted into the non-English language) – 10 minutes, including instructions:

- After a brief introduction by the test administrator, put on the earphones.
- A brief introductory message on the CD will give you time to adjust the volume and the earphones comfortably.
- It is about 900 words in length and is recorded at about 120 words/minute – *slower* than most ordinary courtroom speech.
- Most of the passage is spoken by one voice, but a brief section consists of several voices.
- During this part of the test, listen to the passage and, while listening, interpret aloud into the foreign language.
  - Your interpretation is recorded on a tape recorder for later review and scoring by the test examiner.
- You may sit or stand. If you choose to stand, be sure to speak loudly enough so that your interpretation is recorded.

**Sight translation: English to non-English language** – (6 minutes after instructions are given): consists of reading a 225-word long English document aloud to a non-English-speaking person.

**Sight translation: non-English language to English** — (6 minutes after instructions are given) consists of reading a 225-word long non-English language document aloud to an English speaking person.

**Consecutive interpretation** (Either professional interpreters acting as test administrators will read aloud from a transcript of witness testimony, or a test proctor will play a recorded courtroom simulation on a CD player) – about 15 minutes:

1. After each section is played, the CD will pause to allow you to interpret what was said into the tape recorder.
2. You may ask for two repetitions during this part of the exam.
3. Take notes to assist your memory.
4. Behave as if you were in the courtroom by interpreting the English questions into the foreign language and the foreign language answers into English.

## **7. What happens after the test? Do I get my results?**

Leave the testing area *without going through the waiting area*. Pick up your belongings from the registration area. You may not discuss the test with other candidates. Remember, you signed an oath and affidavit promising not to reveal anything about the test.

You will be notified of your test results by mail within three months. Your test tapes, scores, and rating sheet are kept confidential. However, the summary results – whether you passed or not – are public record and may be reported in response to any inquiries.

## **8. What is a passing score?**

You must score at least 70% on each separate part of the test. The scoring units for each part are:

Simultaneous interpretation – 75 units

Consecutive interpretation – 90 units

Sight translation – 50 units (25 each)

## **9. How is the test scored?**

Each exam is assessed two ways: 1) by the number of correct scoring units earned, and 2) by an overall non-scoring unit evaluation.

**Scoring units** are specific words and phrases that are selected to represent various features of language that interpreters encounter in their work that must be rendered accurately and completely, without altering any of the meaning or style of speech. The test does NOT include words or phrases that are used only in a particular region or country.

**Scoring units** include:

- Grammar – correct usage
- False cognates – words that sound or look alike in both languages but have different meanings

- General vocabulary
- Special terminology – terms encountered in court contexts, common legal terms
- Idioms and expressions – words or phrases in one language that usually result in lost meaning or nonsense if they are interpreted word-for-word in the other language
- Numbers, names, dates – these must be accurately rendered
- Modifiers, emphasis – adjectives, adverbs, exclamations, etc. in the source language that must be accurately preserved in the target language
- Register/style – words or phrases characteristic of a style of speech (formal, casual, informal) that must be preserved in the interpretation (for example, “yeah” and “yes” mean the same, but make different impressions on the listener)
- Position and special function – words or phrases that might be overlooked or left out because of their position in the sentence (tag-ons, embedded phrases) or because they are “fillers” (false starts, stalls, etc.)

**Non-scoring unit** evaluation is a structured assessment of three dimensions that are not captured within the guidelines of the scoring units: foreign language skills, English language skills, and professional skills. This assessment includes any consistently repeated mistakes, functional problems of understanding a candidate due to speech habits or accent, and significant changes in meaning. For example, while achieving the minimum acceptable score (70%) on correct interpretation, candidates may misinterpret the meaning of the entire section, or embellish the text, or “make-up” words. *These are serious breaches of professional conduct and may result in an unacceptable rating.*

There are three possible values assigned to each of the three dimensions:

**Acceptable** means the raters feel the interpreter's overall performance is competent or better. Then the scoring units determine the "pass" or "not pass" status.

**Borderline** is an indication that the performance on the exam had weaknesses that concerned the raters. This does not affect a pass/not pass rating.

**Unacceptable** performance does not meet minimum standards for court interpreting and raises the possibility of not passing the candidate, *even if the scoring unit scores are in the passing range*. In this case, if both raters agree that the performance *on any of the three dimensions* was unacceptable, then a second rating team will evaluate the interpretations. If this team also agrees on an **Unacceptable** rating, regardless of the scoring unit scores, the candidate does not pass.

#### 10. Who scores the test?

The test is scored by a team of at least two interpreters who have themselves taken and passed the certification test. They also have had training and experience in test administration and test scoring, and are evaluated to assure they follow the testing standards established for this exam. Each rater scores the test independently, then scores are compared. If there is a disagreement that cannot be resolved through discussion, another rater will score the test.

- If test results are borderline (within 5 percentage points of passing), the test qualifies for review and re-scoring by a second, independent team of raters.
- The higher of the two scores is the reported score.

The benefit of the doubt always goes to the candidate.





## DEFINITIONS OF INTERPRETING

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1. **Simultaneous interpreting** – giving an exact rendition of everything being said at virtually the same time it is spoken. This is used when relating proceedings to defendants.
  - Interpreters should speak in a soft voice for the benefit of the defendant only, and should neither summarize, simplify, nor explain the proceedings.
2. **Consecutive Interpreting** – used with witnesses and in any situation in which the speaker must first finish his/her statement before the interpreter begins to speak.
  - Interpreters should only interrupt a speaker if it is necessary to do so to achieve complete accuracy in a very lengthy statement.
  - If a word or phrase is not heard or understood, the interpreter must ask the judge for permission to ask the witness to repeat or rephrase the statement, and then continue with the interpretation. *Do NOT invent an interpretation.*
3. **Sight translation of written documents:**
  - Reading a written document in one language while “translating” it orally into the other language. This is a hybrid mode; the source language is written, the target language is spoken. The source document may be in English or a foreign language.



## PROFESSIONAL PRACTICE OF COURT INTERPRETERS

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### 1. First Person

The court interpreter should always utilize the first person singular (I, me) when interpreting for a witness or in any situation in which a conversation between two or more parties occurs in the courtroom or similar setting.

### 2. Awareness

Court interpreters should be attentive to all that is taking place around them, given the speed with which events take place in a courtroom.

### 3. Low Profile

Interpreters must maintain a low profile, remembering that they are not testifying, but merely communicating the testimony of another. Interpreters should not draw attention to their interpretation, since the judge and jury must focus only upon the individual requiring interpretation. The overall aim of the interpreter should be to maintain a natural atmosphere in the courtroom such as there would be if no language barrier existed.

- Control overt expressions of opinion, such as surprise, sympathy or disgust, while interpreting for defendants or witnesses.
- Interpreters may move to where they can best hear and be heard, but they must be positioned in such a way so as not to obscure the view of the litigants, judge and jury from the individual who is testifying.

### 4. Language Level

The interpreter should use the same level of language used by the speaker. This means interpreting colloquial, slang, obscene or crude language as well as sophisticated and erudite language, in accordance with the exact usage of the speaker. It is not the interpreter's task to tone down, improve, or edit phrases.

Further, interpreters should not simplify statements for a witness or defendant whom they believe cannot understand the speaker's statements. The person requiring an interpreter should request an explanation or simplification, if necessary.

#### **5. Characterizing Testimony**

Interpreters should never characterize nor give an uncalled for explanation of testimony. The court or attorneys will request clarification from the speaker if necessary. Except in the case of certain languages in which a gesture or grimace has a particular significance, interpreters should not offer an explanation or repeat a witness gesture or grimace.

#### **6. Questions Answered With Questions**

Interpreters must render the exact response of the speaker, even if the answer to a question is another question, possibly because the speaker didn't hear or understand the initial question.

#### **7. Interpreting Mixed-Language Responses**

If a witness testifying in a foreign language suddenly interjects a complete English response, the interpreter should not ask the witness to speak in his/her native language. Interpreters should stand back so that all parties are aware of the English response and await the court's direction.

#### **8. Conversation During Witness' Testimony**

Interpreters should not engage in conversation with the witness testifying under oath. There should be a simple exchange of questions and answers between the questioner and the witness, as if there were no language barrier. During pauses in testimony, such as side-bar conferences or recesses, the interpreter should not talk with the witness.



## INTERPRETER EXAM PREPARATION TIPS

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### To prepare for the exam:

1. Increase your vocabulary of words in the target language.
2. Learn idioms and slang.
3. Practice pronunciation aloud.
4. Interpret a television or radio program into a tape recorder without stopping and then review the tape.
5. Visit a grocery store where people speak the target language. Are there words you do not know/understand? Write them down and look them up. Native English speakers should immerse themselves in the target language in advance (conversation class, videos, or attend events using the target language).
6. Go to a Toastmaster Club to practice public speaking.
7. Read RCW chapter 2.43, the Washington Court Evidence Rule (ER) 604, GR11.1 on the Code of Conduct for Interpreters and the comments on the Code of Conduct. Public as well as Law School libraries will help you find the references.
8. Check with your local library to see if they have a bilingual legal dictionary in your language pair. Familiarize yourself with legal concepts by reviewing any legal dictionary. Look for books on idioms and sayings to increase your vocabulary. Check out or place an order for books on tape in the target language.
9. If there is an interpreter coordinator in your county, ask them when an interpreter is in court so you can observe. Attend a court hearing and interpret the proceedings in your head.
10. Be sure you are familiar with what an interpreter does.

*To prepare for the ethics portion of the exam familiarize yourself and thoroughly read GR 11.1, the Code of Conduct for certified court interpreters.*







## **INTRODUCTION TO THE COURTS**

- **The Washington State Court System**
- **Juvenile Court Overview**
- **Legal Rights and Responsibilities**
- **Who's Who in Court**
- **Legal Documents**
- **Classification of Crimes**
- **Court Activities**
- **Legal Terms Explained**

## WASHINGTON STATE COURT SYSTEM

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### (State) SUPREME COURT

Handles appeals from the Court of Appeals and administers state court system through Administrative Office of the Courts.

### COURT OF APPEALS

Hears appeals from the lower courts, except those in jurisdiction of the Supreme Court.

### SUPERIOR COURT

Because there is no limit on the types of civil and criminal cases heard, superior courts are called *general jurisdiction* courts. Superior courts also have authority to hear cases appealed from Courts of Limited Jurisdiction (CLJ).

The following case types are managed by superior courts: civil matters, domestic relations, felony criminal cases, juvenile matters (civil and offender), and appeals from CLJs.

Most superior court proceedings are recorded so a written record is available if a case is appealed. Appeals may be made to the Court of Appeals. In some cases, they go directly to the Supreme Court.

Juvenile court is a division of the Superior Court, established by law to deal with youth under the age of 18 who commit offenses (offenders); have displayed problems in school, the community, or at home (BECCA – from the Becca bill on truancy and at-risk youth); or who are abused or neglected (dependents). Juvenile offenders are sentenced, or given a disposition, according to a uniform set of guidelines. If approved, BECCA petitions give parents or schools authority to manage a youth's behavior while under court supervision. Dependent children are placed under the care of the state's Department of Social and Health Services, and the court is responsible for placement of the child and resolution of the case (see pages 3 – 11).



### COURTS OF LIMITED JURISDICTION

Courts of Limited Jurisdiction include district and municipal courts. District courts are county courts. Municipal courts are those created by cities and towns. More than two million cases are filed annually in district and municipal courts. This is due primarily to the broad jurisdiction these courts have over traffic violations and misdemeanors.

District courts have jurisdiction over both criminal and civil cases. They have criminal jurisdiction over misdemeanors, gross misdemeanors, and criminal traffic cases. These include driving while under the influence of intoxicating liquor or drugs (DUI), hit and run, and driving with a suspended driver's license. Preliminary hearings for felony cases are also within the jurisdiction of these courts.

District court jurisdiction in civil cases includes damages for injury, for individuals or personal property, contract disputes, and traffic and non-traffic infractions (violations). District courts may also issue domestic violence and anti-harassment protection orders and hear change-of-name petitions. Small claims are filed and heard in district court as well.

Municipal courts and traffic violation bureaus (TVB) process violations of municipal or city ordinances. Some cities contract with the district court to handle such cases.

## JUVENILE COURT OVERVIEW

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### OFFENDER

#### PROBATION/OFFENDER CASES

Juvenile offender cases are incidents in which a person under the age of 18 commits a crime and is processed through Juvenile Court. If found guilty, the case results in a diversion contract, standard range community supervision, a special offender disposition, or commitment to a Juvenile Rehabilitation Administration Institution (there are four in the state). The Department of Social and Health Services runs JRA, which is a department of the state of Washington.

#### How Processed:

- Once an alleged offense occurs, the law enforcement agency that investigated the alleged offense writes an INCIDENT REPORT. That incident report is sent to the local Prosecuting Attorney's Office.
- The Prosecuting Attorney (PA) who the case is assigned to makes a CHARGING DECISION (whether criminal charges are filed and what the offense is charged as, is the charge referred for a diversion contract, or if the case is dropped).
- If the offense falls within a certain category of offenses (low end of seriousness, and low criminal history) then the prosecuting attorney refers the case to a DIVERSION UNIT. All but one juvenile court contains a diversion unit within the juvenile probation department (Thurston County is the exception). The juvenile is given the opportunity to avoid being processed through juvenile court and having the offense count on their criminal history, by performing volunteer work, paying a fine, or getting counseling, for example.
- The PA office prepares an INFORMATION containing the charge and law enforcement's incident report supporting the claim. The information is filed in the county clerk's office.
- An ARRAIGNMENT date is set and a NOTICE AND SUMMONS is sent via mail to the respondent. At the time of arraignment, an attorney is appointed to represent the minor and s/he has the opportunity to plead guilty or not guilty to the charge.
- If the respondent pleads not guilty, a variety of STATUS/PRETRIAL hearing can be scheduled to check the status of a case before a trial is scheduled. Although these hearings are not required, they are often used in effort to avoid scheduling trials that end up as pleas and overburden the court calendar.

- The prosecutor may ask for a special REMAND hearing if the juvenile is older, the offense is serious, and the juvenile has been to court before for other offenses.
- If the respondent pleads not guilty at arraignment, status, or pre-trial, a TRIAL is scheduled. This hearing must be held within the SPEEDY TRIAL period unless a waiver is filed.
- The respondent is found guilty or not guilty of the offense at trial. If ADJUDICATED, certain conditions are ordered as part of community supervision.
- The ORDER ON DISPOSITION may include standard range community supervision, a Deferred Disposition, Special Sex Offender Disposition Alternative (SSODA), Chemical Dependency Disposition Alternative (CDDA), a Suspended Disposition Alternative, a Mental Health Disposition Alternative (MHDA), a Community Commitment Program Alternative (CCP- pilot available only in Clallam County), or a sentence to a JRA facility.
  - Typical standard range community supervision conditions include: mandatory counseling/evaluations, school attendance, and probation appointments, follow reasonable rules of home, curfew, work crew/community service, drug/alcohol evaluation & treatment, refrain from using drugs/alcohol, associational restriction.
  - A probation officer is assigned a case based on risk level determined by the Case Management Assessment Process (risk assessment).
  - A probation officer typically monitors daily activity of kids assigned to their caseloads including but not limited to behaviors at home/at school/ in counseling/work/restitution and LFO payments/ work crew and other programs.
  - The respondent is brought back before the court for violations of the disposition order on REVIEWS and/or PROBATION VIOLATIONS.

## CIVIL

### **BECCA CASES**

There are three types of cases that fall under the BECCA BILL (1) Truancy, (2) At Risk Youth, and (3) Child in Need of Services

#### *Truancy*

Truancy petitions are filed by the school district when a student has 7 unexcused absences in one month or 10 unexcused absences in one school year. In rare instances, a parent may file a truancy petition. The truancy statute is consistent with the Compulsory School Attendance Law and applies to children between the ages of 8 and 18.

#### How Processed:

- An attorney is not appointed at the time of a FACT-FINDING HEARING.
- Truancy cases are handled differently from county to county. Some counties have TRUANCY CLASSES, TRUANCY ACCOUNTABILITY BOARDS, YOUTH COURTS, and other counseling/intervention resources to handle initial hearings and/or provide interventions.
- The PARTIES involved in a truancy case include: the school district as the petitioning party, the student, parent, and court staff (either a probation officer and/or prosecuting attorney).
- If the STUDENT fails to follow the conditions of the truancy order (ORDER COMPELLING SCHOOL ATTENDANCE), the school district files a motion for contempt. At the CONTEMPT HEARING, the minor is appointed an attorney.
- The only time a PARENT may be appointed an attorney is if they are the subject of a CONTEMPT MOTION.
- Various SANCTIONS may be ordered for the student at a contempt hearing including but not limited to: a school program (regular or summer school), community service hours, study-table, day-reporting school, tour of detention, confinement in juvenile detention (not to exceed 7 days), and additional *creative* sanctions.
- A parent may also be sanctioned if the court finds that they did not make reasonable efforts to get their child to attend school. A parent may be sanctioned up to \$25 per day that their child was not in school without a valid excuse (These sanctions are reserved for parents who are in obvious violation of the order, for example the parents of an elementary school child who refuses to get the child to school).

\*\* As a rule, the court does not determine school policy. If the parent disagrees with the school about a specific issue and wants the court to override the school's authority, the court should refuse and refer the parent back to working with the school in their child's best educational interest.

#### *At Risk Youth (ARY)*

ARY petitions are an option for parents and/or the Department of Child and Family Services (DCFS) to file petitions on minors whose behaviors fit in at least one of the following categories:

1. Absent from home for 72 consecutive hours without the consent of the parent.
2. Are beyond parental control such that their behavior endangers the health, safety, and welfare of themselves or another person.
3. Has a substance abuse problem for which there are no pending criminal charges relating to the substance abuse.

The body of the petition must support the allegation(s) with facts detailing the child's behavior. The petitioner must attempt to utilize alternatives to court intervention before filing an ARY petition (for example family counseling, individual counseling, drug/alcohol counseling and/or treatment, alternative living arrangements, etc.). A Family Assessment is an initial report done by a DCFS social worker. The Family Assessment report should accompany the Petition for ARY.

#### How Processed:

- The juvenile has access to a COURT APPOINTED ATTORNEY throughout the duration of the ARY case. The parent does not have access to an attorney unless they are the subject of a contempt motion and are indigent.
- JURISDICTION of an ARY case is 9 months. An extension may be granted if the court finds good cause to do so.
- If the court grants the ARY petition, the court will enter a DISPOSITION ORDER that may include the following conditions: follow reasonable rules of the home, curfew, school attendance, associational restrictions, evaluations, counseling and/or treatment. The court likely reviews ARY cases every 3 months until the case is dismissed.
- If the juvenile fails to abide by the conditions set forth in the Disposition order, the petitioner and/or probation may file a MOTION FOR CONTEMPT against the juvenile.
- Likewise, if the parent fails to provide services that were ordered for the child, the minor may file a motion for contempt against the parent.
- The PARTIES in an ARY may include the child, parent, attorney for the child, and court staff (probation and/or prosecuting attorney).

#### *CHILD IN NEED OF SERVICES (CHINS)*

CHINS petitions are an option for minors, parents, and/or DCFS to file when a minor fits into at least one of the following categories:

1. Is beyond the control of his or her parent such that their behavior endangers their health, safety, and welfare or that of another person.
2. Been gone from the home for two 24 consecutive hour periods.
3. Has exhibited a serious substances abuse problem.
4. Is in need of necessary services (including food, shelter, health care, clothing, or education).
5. Is in need of services designed to maintain or reunite the family.

6. Or whose parents can show unsuccessful efforts to maintain the family structure and are unable to unwilling to continue efforts to maintain the family structure.

The specific difference between an ARY petition and a CHINS petition is (1) there will likely be placement of the minor outside the parent's home and (2) case management involvement by DCFS social worker. A Family Assessment report should accompany the Petition for CHINS.

#### How Processed:

- The PETITIONER may be the child, parent, or a DCFS social worker. The parent and child are appointed legal representation if they are indigent throughout the CHINS process.
- A FACT-FINDING HEARING is held to determine if the petition should be granted by the court. The court reviews the allegations as well as the reasonable alternatives to court intervention sought by the parties. The court likely hears testimony from the parties.
- If the court grants the CHINS petition, the child is under direct supervision and custody of DCFS. A DISPOSITION ORDER is entered that outlines conditions for the juvenile, parent, and DCFS.
- The jurisdiction of a CHINS is 9 months. The CHINS jurisdiction may be extended if the court finds good cause exists.
- The court REVIEWS the case approximately every 3 months until the case is dismissed.
- If any party fails to comply with the conditions of the disposition order, a MOTION FOR CONTEMPT may be filed.

## DEPENDENCY CASES

Dependency petitions are generally filed by the Department of Social and Health Services, Division of Child and Family Services (DCFS), and allege that a child has been mistreated. The dependency petition alleges:

1. The child has been abandoned by the parent(s).
2. The child has been abused or neglected by the parent(s).
3. There is no parent capable of providing for the child.

A dependency petition is the most intrusive form of intervention DCFS has to protect allegedly abused, neglected, and/or abandoned children.

#### How Processed:

- If the child was removed from the home by the state social worker and placed in protective custody, by order of the court, a SHELTER CARE HEARING must

be held within 72 hours. At this hearing, the court determines the immediate placement of the child while the allegations of the petition are being investigated.

- A GUARDIAN AD LITEM or Court Appointed Special Advocate (CASA) is appointed by the court to represent the best interests of the child.
- The PARENT/S are appointed attorney/s if found to be indigent.
- A FACT-FINDING HEARING is scheduled no more than 75 days after the child was taken into protective custody. At this hearing, the court determines if the dependency petition should be granted. If the court grants the dependency petition, the custody of the child is assumed by DCFS.
- Either the same day as the fact-finding or within 14 days thereafter, a DISPOSITION HEARING is held. At this hearing, the court orders conditions for: services to the parent/s, services for the child, placement of the child, treatment and services for the parent/s, visitation between the child and the parent/s.
- The court is mandated to hold dependency REVIEW HEARINGS every 6 months throughout the duration of a dependency case. At the review hearings, the court determines if the disposition needs to be altered in anyway to expedite the resolution of the dependency case.
- A PERMANENCY PLANNING HEARING is held in all cases 9 months after the child was placed out of the home. At this hearing, the court determines the most appropriate LONG TERM GOAL for the child, and may order that the parties perform certain tasks in effort to expedite the resolution of the case.
- Permanency planning and review hearings are scheduled until the case is resolved.
- If the child is unable to return to the parent/s home/custody, it is likely that the State will file a TERMINATION OF PARENTAL RIGHTS PETITION or the parent/s will agree to RELINQUISH THEIR PARENTAL RIGHTS TO THE CHILD. If either of these court actions is completed, the parent-child relationship ends.



## LEGAL RIGHTS AND RESPONSIBILITIES

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### **If Arrested:**

The juvenile has the right to remain silent.

Anything the juvenile says can be used against him or her in a court of law.

The juvenile has the right to talk to a lawyer. The juvenile has the right to an appointed lawyer if he or she cannot afford to hire one. The juvenile has the right to have a lawyer present when being questioned.

The juvenile can decide at any time to exercise these rights and not answer any questions or make any statement.

The juvenile, if under 12 years of age, can not waive the above legal rights, only the juvenile's parent or legal guardian may do so.

### **If in Detention:**

The juvenile and the parent, if non-English speaking, have the right to a court provided interpreter.

The juvenile must be released from detention unless:

- There is a "probable cause" determination within 48 hours of being detained,
- There is an information filed within 72 hours of being detained;
- There is a detention hearing within 72 hours of the information being filed.  
(Saturdays, Sundays and holidays do not count as part of the 72 hours.)

### **If Going to Diversion:**

The juvenile has the right to talk with a court appointed lawyer when deciding if he or she wants to go to diversion or go to court. If the juvenile decides to go to diversion, the juvenile does not have a right to a court appointed lawyer – he or she may hire a lawyer to help work out the diversion agreement.

If the juvenile is non-English speaking, the diversion unit is responsible for providing an interpreter (if it can afford to do so).



## WHO'S WHO IN COURT

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**JUDGE:** the public official presiding over the legal matters brought in court. The chief or **PRESIDING JUDGE** has legal authority or control in the court (e.g., Judge Thomas L. Edwards, presiding).

**MAGISTRATE:** Same as judge

**ADMINISTRATIVE LAW JUDGE:** a professional hearing officer who works for the government to preside over hearings and appeals involving governmental agencies. They are generally experienced in the particular subject matter of the agency involved or of several agencies. Also called **HEARING OFFICER**.

**ADJUDICATOR:** a person who settles disputes.

**COURT CLERK:** an official or employee who handles the business of a court, maintains files of each case, and issues routine documents. Most courtrooms have a clerk to keep records and assist the judge in the management of the court.

**COURT REPORTER:** a stenographer who records and transcribes a verbatim report of all court proceedings.

**DEPUTY SHERIFF:** An officer of the court whose duties include keeping order in the courtroom, handling errands for the clerk and judge, and guarding jurors in deliberation.

**BAILIFF:** a court official who is usually a **DEPUTY SHERIFF**.

**COUNSEL:** legal advisor; an attorney

**DISTRICT ATTORNEY (D.A.):** prosecuting officer of a judicial district. **DEPUTY DISTRICT ATTORNEYS** work for the DA, investigating alleged crimes in cooperation with law enforcement.

**PROSECUTING ATTORNEY, PROSECUTOR:** generic term for the government's attorney in a criminal case, including District Attorney, States Attorney, U.S. Attorney, Attorney General, Solicitor General, or special prosecutor.

**DEFENSE ATTORNEY AT LAW:** the lawyer representing the defendant.

**DEFENDANT:** the party against whom an action is brought (by the plaintiff). Also called the **ACCUSED**.

**PLAINTIFF:** person who bring a complaint to court (against the defendant).

**LITIGANTS, PARTIES TO A SUIT:** any party involved in the lawsuit (plaintiffs, defendants, petitioners, etc. – not witnesses or attorneys).

**WITNESS:** one who testifies or gives evidence before the court.

- **CHARACTER WITNESS** is someone testifying to the good reputation of another.
- **EYE WITNESS** is a witness who saw or heard something and testifies about it.
- **MATERIAL WITNESS** is one whose testimony is required, and whose presence may be forced by subpoena or custody

**JURY:** group of people sworn to judge and give a verdict on a case presented in court.

**JURORS:** the people serving on a jury.



## LEGAL DOCUMENTS

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**AFFIDAVIT:** a written declaration made under oath

**BILL:** formal statement of complaint in a case

**CERTIFICATE:** document attesting to the truth of something (e.g., birth certificate, certificate of completion, etc.)

**CHARTER:** a grant of rights, powers and privileges from an authority or state agency

**DECREE:** a judgment of the court.

**DEED:** a signed, sealed and delivered document acting as a contract showing transfer of property.

**INDICTMENT:** written statement charging a party with the commission of a crime.

**INJUNCTION:** court order prohibiting someone from doing a specific action.

**MOTION:** request to the court for an order or ruling.

**ORDER:** a command by the court; every mandate or direction of a judge that is not a legal opinion or judgment.

- **PROTECTION ORDER** is intended to protect an individual from harm by restricting access to that individual.
- **RESTRAINING ORDER** is a temporary order of a court to keep conditions as they are (like not taking a child out of the county or not selling marital property) until there can be a hearing in which both parties are present.

**ORDINANCE:** a regulation, especially one enacted by city government.

**RECORD:** official account of court proceedings preserved as evidence.

**STATUTE:** law enacted by a legislature; codes

**SUBPOENA:** summons requiring the appearance in court to testify; failure to appear as summoned can be punished as contempt of court.

**WARRANT:** judicial authorization for an officer to search, arrest, or seize items (**ARREST WARRANT**, **SEARCH WARRANT**).

**WILL:** legal declaration of a person's wishes regarding the disposition of his/her property after death.

**WRIT:** written order issued by the court. A **WRIT OF EXECUTION** is a court order to a sheriff to enforce a judgment by levying on real or personal property of a judgment debtor to obtain funds to satisfy the judgment amount (pay the winning plaintiff).



## CLASSIFICATION OF CRIMES

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*Crimes are classified by their seriousness and severity of their punishment:*

**INFRACTIONS:** include jaywalking, littering, creating a public disturbance.

**MISDEMEANORS:** include simple assault, driving under the influence (DUI), and petty theft.

**FELONIES:** include rape, murder, robbery, burglary, assault with a deadly weapon, kidnapping, extortion, perjury, money laundering...

Resources include [www.dictionary.law.com](http://www.dictionary.law.com)



## COURT ACTIVITIES

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### **WITNESS may:**

- Take the stand
- Testify (give oral testimony, give evidence – under oath)
- Take an oath or affirm
- Depose, make a deposition (recorded statements made under oath outside of court for use in court)
- Remain silent

### **LAWYER or LITIGANT PRO SE (acting as one's own attorney) may:**

- Move, Make or present a motion
- Object, protest or raise an objection
- Depose (take the deposition from the witness)
- Examine (ask questions directly; opposing attorneys cross examine)
- Rest his/her case
- Rebut (offer opposing evidence)

### **JUDGE may, during the trial:**

- Quash (vacate, annul, or make void)
- Sustain (approve, grant)
- Deny (refuse to approve or grant)
- Order
- Rule (make a decision on a legal question)
- Overrule (deny)
- Adjourn (break from the court session)
- Charge the jury (give instructions to the jury)
- Pass sentences

### **JURY may:**

- Deliberate (consider carefully)
- Request a clarification
- Return a verdict (decision)
- Not reach a verdict



## LEGAL TERMS EXPLAINED

A crime is an illegal act that is punishable in a court of law. An indictment – a written statement charging a person or persons with an offense – is issued by a grand jury. A grand jury is a jury that makes inquiries into criminal cases and issues the indictments when the evidence indicates that a crime has been committed. This evidence is called the corpus delicti (Latin for the substantial fact that a crime has been committed, and in popular crime jargon, the body of the murder victim).

An information is a written accusation issued by a prosecuting attorney charging the person with committing a criminal offense. When a person has been charged with the commission of a crime, a warrant is issued requiring the arrest of that person. After the arrest, that person is taken into custody and held to answer the charge made against him or her.

At the arraignment, the prisoner is brought before the court to hear the reading of the indictment or the information, and to enter a plea of guilty or not guilty. A preliminary examination is the hearing conducted by a judge to determine if there is enough evidence to hold for trial the person accused of a crime.

A crime is classified as a felony or a misdemeanor. A felony is a crime of a serious nature that is punishable by imprisonment or death. A misdemeanor is any crime that is not a felony, and is usually punishable by a fine or a short jail sentence.

Homicide is the killing of a human being by another, whether intentional or unintentional. Homicide may be justifiable, excusable, or felonious. Justifiable homicide is an intentional killing without any evil design, such as a situation where a police officer kills someone to prevent the commission of a felony that could not otherwise be avoided. An excusable homicide is a death that results from an act of self-defense or an unintentional death resulting from someone doing a legal act. Felonious homicide is the wrongful killing of a human being without justification or excuse of the law. Murder and manslaughter are the two types of felonious homicide.

Homicide is a necessary ingredient of the crime of murder and manslaughter. Murder is the intentional killing of another human being with malice aforethought, which is the deliberate planning and intention to kill or seriously injure another person. Manslaughter is the killing of another human being that is unlawful but done without malice aforethought.

Assault and battery are two terms that are often combined. Assault is a threat to inflict bodily harm upon another, whereas battery is putting the threat into effect.

Forcible and unlawful entry into a building with the intent to commit a crime therein is to break and enter, commonly called B & E. If a burglar gains entry into a house by fraud, threats, or trickery, the entry is referred to as constructive breaking.

Larceny and robbery are both felonies that involve the taking of another's personal property unlawfully. An essential element of larceny is the intent to steal the property of another and permanently deprive the owner of said property. Robbery is the direct taking of property (including money) from a person (victim) through force, threat or intimidation.

Forgery is the alteration of anything in writing with the intent to defraud. For instance, one might forge a signature on a check. The offering of a forged check for payment is to utter and publish.

A writ of habeas corpus requires the law enforcement officials holding a person to bring that person to court. Habeas corpus is a protection against illegal confinement, such as holding a person without charges or when due process obviously has been denied. If a person charged with a crime is arrested in a state other than the one in which the crime was committed, the person may be returned to the state in which the crime occurred by the process of extradition.

A defendant may be released on bail prior to a trial, which means that security (usually money) is placed with the court in order to release a person being held in jail until the time of the trial.

The parties to a crime may be a principal, an accomplice, and an accessory. The one who actually commits a crime or who aids and abets (that is, assists in the criminal act by giving encouragement or support to its commission) is a principal. An accomplice is one who knowingly assists the principal in the commission of a crime but is not present when the crime is actually committed. An accessory *before the fact* knows about the crime before it is committed and may have assisted in the planning of the crime. An accessory *after the fact* does not have any knowledge of the crime until after it is committed, but helps conceal the known fact of the crime.

Reasonable doubt is uncertainty that is logical, credible, or plausible – it is not an imaginary or a fictitious doubt. A conviction is the outcome of a criminal trial whereby a person is found guilty of the charges that were made. Proof – establishing fact by evidence – beyond a reasonable doubt is required for a conviction in a criminal case. When one is convicted of a criminal offense, the sentence may be imprisonment in a jail or penitentiary. Incarcerate also means to put in prison.

Parole, pardon or reprieve all relate to the prisoner serving a lesser sentence than that given at the end of the trial. A parole is a conditional release of a person from prison before the end of the sentence. A pardon releases a person who has committed a crime from the punishment required by law. A reprieve is a delay or postponement of punishment.









## **SIGHT TRANSLATION**

- Introduction to Sight Translation
- Paraphrasing
- Changing Register
- Intonation
- Expansion
- \*\* Sample Paying Bail Form
- \*\* Sample Pre-trial Diversion Agreement
- Suggested Skill-Enhancing Exercises
  - Exercises in Public Speaking
  - Vocabulary Building



## INTRODUCTION TO SIGHT TRANSLATION

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**Sight translation** means reading written materials in one language, and translating them *aloud* into another language, without having practiced, prepared or seen the materials before.

As with oral interpreting, mental agility is extremely important in sight translating – in your vocabulary and phrasing, and in your flexibility to switch registers, language, and intonation when speakers (or texts) change.

This session is designed to give you practice to develop your sight reading and translation skills. It will also help you heighten your awareness of language usage by giving you practice in skills like paraphrasing and expanding the content. In actual sight translation, however, **the interpreter does NOT paraphrase, summarize or change the register of the original text.**

## Paraphrasing

**Paraphrasing** means restating a text in other words. Thus, "He ambled leisurely, and halted to inhale the perfume of the roses" can become "He strolled, and stopped to smell the roses." To paraphrase well requires a large vocabulary in your languages and knowledge of idioms.

Paraphrasing exercises help you stretch your vocabulary. Remember, **do NOT paraphrase** text you are sight translating for actual legal purposes.

**Directions:** As you read the following passages out loud, replace each word (except for numbers and proper names) with others – synonyms, antonyms, or phrases – keeping the meaning intact.

1. A federal mediator ordered US West and its employees' union, the Communications Workers of America, to return to the bargaining table today as the strike affecting the phone company's service in 14 states enters a second week.
2. Talks broke up before noon yesterday.
3. The strike began last Sunday morning, affecting more than 34,000 workers in Washington, Oregon and 12 other states. Major sticking points are forced overtime, health benefits, and a plan to tie pay to job performance.
4. Early today, workers at Southern New England Telecommunications went on strike, after hours of negotiations failed to bring a deal on higher wages for 6,300 workers.
5. SNET is the nation's oldest independent telephone company, serving nearly all of Connecticut's 3 million residents.

*Now try it with this passage:*

A hideous scourge is reappearing all across America. It is heroin – but a sinister new kind, known throughout the drug culture as "China White." It comes from the opium poppy-fields of the so-called Golden Triangle in Southeast Asia, where Burma (Myanmar), Laos and Thailand come together. And now secret Chinese criminal societies based in Hong Kong are flooding the US with it. In earlier times, heroin generally had a purity of 5 percent to 10 percent. But the new heroin is so pure – up to 90 percent pure – that it can be snorted or smoked just like cocaine.



## PARAPHRASING

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**Paraphrasing** means restating the text in other simpler words, often to clarify the meaning. Thus, "He ambled leisurely, and halted to inhale the perfume of the roses" can become "He strolled, and stopped to smell the roses." To paraphrase well requires a large vocabulary in your languages and knowledge of idioms.

Paraphrasing exercises help you stretch your vocabulary. Remember, **do NOT paraphrase** text you are sight translating for actual legal purposes.

### EXERCISE

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## CHANGING REGISTER

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The style of language used, called the **register**, changes in response to a specific social setting. Chatting at a party means talking in a lower-level or informal register, for example. Applying for a job usually requires a higher level or more formal register.

### EXERCISE

**Directions:** Read the following paragraphs aloud and alter the register (higher or lower), being careful *not to stray* from the original meaning. For example:

As I was driving to work in the morning, I noticed that the stop sign which used to be on the corner of Main and 1<sup>st</sup> had been removed.

*Higher level:* Upon transporting myself to my place of employment in my automobile at some point in time prior to noon, I observed that the insignia which had formerly been positioned at the intersection of the thoroughfares known as Main and 1<sup>st</sup> to cause motorists to bring their vehicles to a stationary position had been displaced.

*Lower level:* On my way to work in the morning, I saw that they took out the stop sign that used to be a Main and 1<sup>st</sup>.

1. Hey, man, I never stole no fucking wheels! Watch what you are telling me! It ain't that way, I tell ya. The bitch was sick, was in need – you know what I'm telling ya? So, I took 'er to the detox center, ya know. She says to me, she says, "You drive, baby, I'm too sick, I'm gonna crash." Next thing I know after we get to the center, she's gone. Man comes out and says, "Your friend is a goner." I don't even know her name, see, just her street name, Lula. An' I end up with her stuff that she had in there and had to take the car someplace. And then the cop comes up and say's he's puttin'



me in the cooler for stolen property or somethin'? Man, I don't get it. I was just trying to be good to her.

2. If counsel finds his case to be wholly frivolous, after a conscientious examination of it, he should so advise the court and request permission to withdraw. That request must, however, be accompanied by a brief referring to anything in the record that might arguably support the appeal. A copy of counsel's brief should be furnished the indigent and time allowed him to raise any points he chooses; the court – not counsel – then proceeds, after a full examination of all the proceedings, to decide whether the case is wholly frivolous. If it so finds, it may grant counsel's request to withdraw and dismiss the appeal. On the other hand, if it finds any of the legal points arguable on their merits (and therefore not frivolous) it must, prior to decision, afford the indigent the assistance of counsel to argue the appeal.



## INTONATION

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**Intonation** means changing pitch to convey grammatical meaning. Questions, for example, usually end with the voice going up, right? Emphasis (such as italicized and bolded words), and punctuation (where commas indicate pauses, for example) are parts of intonation.

### EXERCISE

**Directions:** Read these paragraphs with *proper* intonation. Punctuation has been eliminated, so think quickly where it should be.

1. Most health care professionals have three words to say about using fireworks don't do it but they know from experience that people *will* celebrate the fourth of july with fireworks and they know from experience that some of those celebrants *will* suffer injuries ranging from burns to loss of fingers and loss of vision a few words of advice keep buckets of water immediately available these come in handy not only for submerging burned hands and fingers besides cooling the burn water helps dilute the chemicals involved but also for dousing unexpected fires if any chemicals get in your eye it is *critical* that you flush the eye for at least 20 minutes with running water this is more difficult than it sounds and usually requires at least two people to aid the victim one to aim and control the water the other to physically hold the eye open call a consulting nurse.
2. As members of the Thurston County food community we make personal decisions each day that affect and define the unique character of our county this is particularly apparent when it comes to choosing how and where we spend our money every dollar spent is the equivalent of a vote for the goods and services that we purchase so what are we voting for economic sustainability means a dollar spent at a local farm or business

will circulate *within* the community many times over "direct sales" means that the farm receives 100% of each dollar spent on its products other farmers can expect to see as little as 18 cents for each dollar spent on their products at a large chain store local food tastes better the next time strawberries are in season in Thurston County compare their mouthwatering taste to California strawberries *local* food is fresher and more nutritious the faster food goes from farm to plate, the fewer vitamins and nutrients are lost farm goods purchased from local sources travel short distances using little fossil fuel the average bite of not-local food has traveled 1300 miles before reaching our mouth contributing greatly to air pollution and depleting a non-renewable resource.



## EXPANSION

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**Expansion** is used when the text seems short, blunt, or even rude, sometimes losing the point. "No shirt, no shoes, no service" can be expanded into "Not wearing either a shirt or shoes means you will not be served by the staff." Again, these are exercises to stretch your vocabulary and agility with language. **Do NOT expand** texts that you are translating in actual legal situations.

### EXERCISE:

**Directions:** Expand the following passages. Do not change the meaning or add any information.

1. In spite of what you may have heard, scientists are just like other people.  
A scientist walking down the street may look like an insurance agent or a car salesman – no wild mane of hair, no white lab coat.
2. Another tool gaining acceptance in education is the electronic whiteboard. It is an updated version of the board-on-easel. Educators can electronically write over computer images projected onto the whiteboard, control the computer applications by touching the board, save and print the notes written on it and more.
3. Identity theft occurs so frequently that the FBI cites it as "America's fastest growing crime problem". Thieves steal and fraudulently use the names, addresses, social security numbers, bank account information, credit card numbers and other personal information of some 10 million Americans each year, according to the Federal Trade Commission. Learning about

how thieves get your personal information is the first step toward protecting yourself from this devastating attack on your financial well-being.

4. We are the regional leader in high quality technology training. Using state-of-the-art PCs, Cisco networking equipment, a telecommunications lab, and a staff of trainers drawn from local consulting firms and industry, we offer students training opportunities seven days a week. In addition, open lab computer space is available for students to pursue studies, homework, and technical issues outside of class.

SAMPLE DOCUMENT FOR SIGHT TRANSLATION

**PAYING BAIL AND GOING TO COURT IN YOUR CASE**

Your next court date is \_\_\_\_\_.

1. People who are charged with a crime in the United States usually go to court two or more times before their cases are finished. It is mandatory that you attend all court appearances.
2. At the beginning of your case, you will probably be given the opportunity to make a deposit of bail money to the court.
3. The only purpose of bail is to provide the court with insurance that you will come back to court for hearings on dates set by the court.
4. The judge will determine the amount of bail, and will consider things like your address, employment status, and whether you have relatives in the area.
5. *Your case is not finished* when you pay bail money. This is true even if the bail amount equals hundreds of dollars.
6. If you pay bail before or during your first court hearings, you will be released and given a date for the next hearing.
7. If you do not appear for the court date, the court will forfeit (keep) your bail. The court also may have you arrested again for not appearing at the court hearing.
8. If you do appear for all court hearings, the court will give back the bail money if you are found innocent. If the court finds that you are guilty, the court may use the bail money for all or part of a fine.
9. Real estate or other property owned by you or your relatives can sometimes be pledged to guarantee that you'll return to court. If so, you must come to court for your appearances or ownership of the real estate or other property will be forfeited to the court.
10. Sometimes persons accused of a crime use a bail bond business. The accused person pays the bail bonds business a percentage of the bail amount, which is not refunded. Then the bail bonds business pays the entire bail amount to the court for the accused person. The accused person is released from jail, but must appear for all court hearings in the case.

SAMPLE DOCUMENT FOR SIGHT TRANSLATION



## SUGGESTED SKILL ENHANCING EXERCISES

The exercises outlined below will help you develop skills in sight translation. They are designed to build mental agility, linguistic flexibility, and analytical skills.

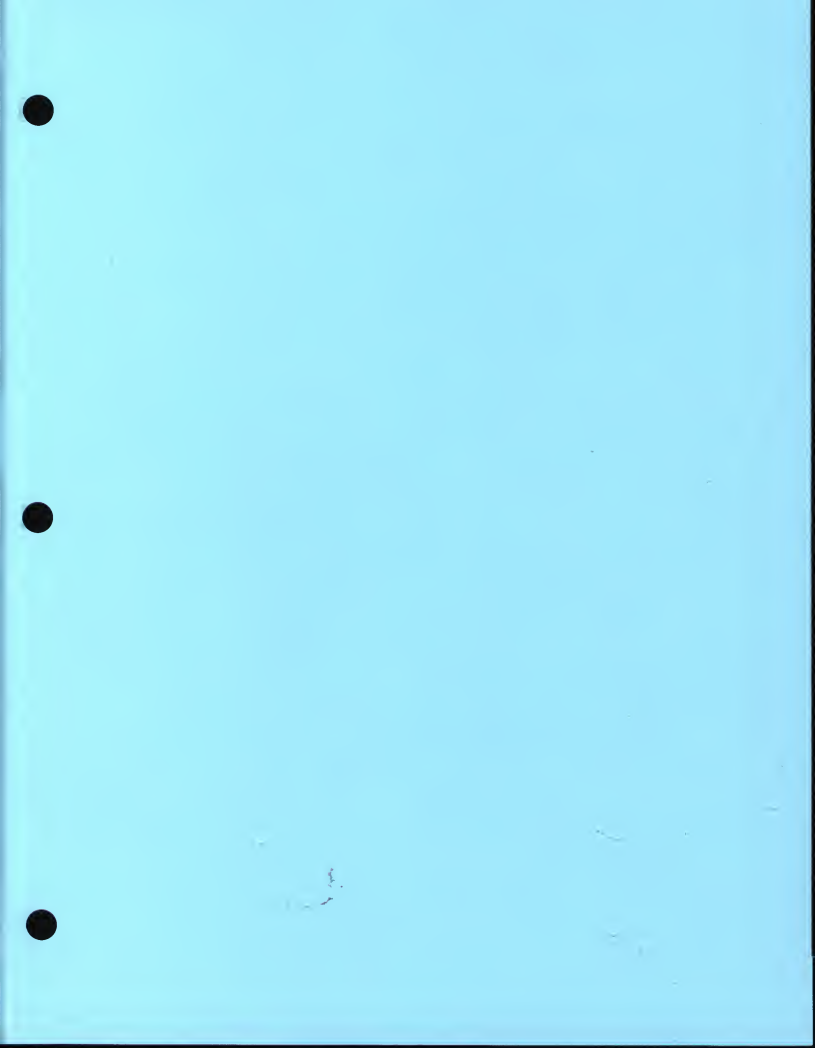
Practice them in ALL your working languages.

### Exercises in Public Speaking

1. **Reading Aloud:** Stand in front of a mirror and read passages aloud from any book, newspaper, or magazine — a legal textbook, code book, or other legal texts are useful for familiarizing yourself with legal language. Record or videotape yourself, then analyze the outcome critically. Pay attention to your voice, pitch (whether you sound squeaky high or rumbling low), tone (emotional quality), hesitations, sighs, projection (how far your voice is heard), enunciation (how clearly you say the words), and posture.
2. **Controlling Emotions:** Practice controlling your emotions while reading aloud texts with high emotional content, such as fear, anger, humor, etc. Make sure you convey the author's intended emotions and NOT your personal reaction to the subject matter.
3. **Public Speaking:** Practice speaking before a group of people at every opportunity. People you know will constitute a less threatening audience, allowing you to ease your way into public speaking and build confidence. Court interpreting is an ongoing exercise in public speaking.

### Vocabulary Building

1. **Extensive Reading:** Build up your reading vocabulary and, as a bonus, your fluency, by reading as much as possible in books (legal texts especially), newspapers and magazines. Read a passage aloud, and then read it again but more quickly.
2. **Vocabulary Lists:** Keep a list of words you hear or read, but do not know their meaning. Look them up in both English and non-English dictionaries, including the pronunciation. Review the word list until you are very familiar with the words, translations and pronunciations.
3. **Rewriting:** Rewrite a paragraph from a book, changing the register or paraphrasing what is said. Use as many synonyms and antonyms as possible. Read the paragraph aloud.









WASHINGTON  
COURTS  
ADMINISTRATIVE DIVISION OF THE COURTS

## **Memory Skills**

- **Introduction to Memory Skills**
- **Mnemonic Techniques**
- **Memory Exercises: English**
- **Memory Exercises: Target Language**
- **Suggested Skill-Enhancing Exercises**



## INTRODUCTION TO MEMORY SKILLS

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Interpretation requires an excellent ability to remember *exactly* long passages of verbal information, along with their tone, register, and other emotional nuances.

There are tricks and skill-building exercises to improve your retention of details. While they would tend to be too time-consuming to perform during actual court sessions (and unnecessary since you can take notes to help remember information), they are good to practice to keep your mind nimble and your vocabulary flexible.

This session is designed to help you build memory skills by practicing a variety of techniques.



## MNEMONIC TECHNIQUES

The following techniques can be used to facilitate memorization. They are most useful as mind-limbering exercises rather than court-related activities. Practice them whenever you can.

1. **Acrostics:** These are helpful when you need to remember a specific order of a list, but they do not help in understanding.

> **HOW:** Use the *first letters* from a group of words to form a sentence. For example, living organisms are categorized by their kingdom, phylum, class, order, family, genus, and species. This can be turned into the acrostic: King Phil Climbed over Famous Genie's Special.

2. **Rhymes and Songs:** Rhythm, repetition, melody and rhyme can aid memory. Storytellers often use this technique. Again, this is useful for rote memory and not understanding.

> **How:** A word or the rhythm of a statement may mimic that of a song or poem, so replace the song's words with the statement. (Think how you may have learned the alphabet to the tune of "Twinkle, Twinkle, Little Star.") Thus, "Blue Moon" helped recall "There was a full moon, and I saw him standing alone by the car

4. **Method of Locations:** This is a combination of organization, visual memory, and association. It is used often by orators to remember their speeches.

> **How:** First, identify a common path you walk – around your house or neighborhood – and be sure you have a vivid visual memory of the path and objects along the way. Then, identify objects and landmarks in the order you pass them. Finally, mentally associate each piece of information that you need to remember with one of the landmarks. For example, walking through your living room may include passing a TV, a recliner, and a window. Now, if a witness said the defendant yelled several obscenities and threw a chair at her before running out the door, you might visualize walking by a TV program featuring yelling, the recliner flying through the air, and a jogger outside the window.

5. **Chunking:** This is very useful for remembering numbers. It is based on the notion that people can remember about seven items at a time.

> **How:** Break up large items into a few chunks. Instead of 92745587 (eight items), chunk it into four: 92 74 55 87.

**Strategies to improve memory are based on a few key ideas:**

- Organize the information into relevant patterns (especially in note-taking).
- Make intentional associations – your walking path, for example.
- Make vivid visual associations – they do not have to make sense – for instance, if Dennis Holland's name is mentioned in the middle of a story, you might visualize Dennis the Menace standing in a field of tulips.
- Use other mental visual aids to organize the information – maps, diagrams or cartoons



## MEMORY EXERCISES

### *English*

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Directions: Have one partner read one of the paragraphs below in English. The other partner is to repeat it back in English. There are six paragraphs, so take turns, or divide the paragraphs between partners.

1. On January 7, at about 3:15 p.m., three men, wearing brown leather jackets with blue fabric sleeves, entered the house located at the corner of Sixth and NE 43<sup>rd</sup> Street. None of them wore a hat, but the light conditions were poor. No witnesses could see their features clearly.
2. Two cars approached the intersection of Central Avenue and Myrtle at the same time. The one on the left was trying to make a right turn, but it skidded and hit the other car's left rear door. Fortunately, there was only one passenger in the car, sitting on the right hand side.
3. My name is Yvonne DeLarue. I am 28 and I work as a dental hygienist for several area dentists. I know the man sitting at the table as Delano Camden. I first met him at the Rain City Restaurant about three and a half months ago. He offered me a ride home. Later, I saw him again, by chance, at one of my jobs. This was, I believe, last month, on April 17.
4. Mr. Tremble, would you say that it is possible that you were present the night of September 29, 1996, at approximately 11:45 p.m., when your wife, Lenora, threatened her childhood friend, Isabella, with committing her to a hospital for the mentally ill?
5. Police reports indicate that there were too many passengers in the car, possibly up to eight. The driver's seat was occupied by two people – a fairly small person was at the wheel. In the back, there were three children behind the driver and there seemed to be two adults on the right, but occasionally another head would bob up and down. The front passenger seat definitely carried two children and a small dog.
6. Randy and I were going to a midnight show downtown, so we left the bar about 11:30 at night, Saturday, October 4. The movie theater was only four blocks down the street on Lakeview Dr., so we decided to walk there instead of getting the car, which was parked three blocks up the other way, on Valmont.



## MEMORY EXERCISES

### *Target Language*

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Directions: Have one partner read one of the paragraphs below in English. The other partner is to repeat it back in the target language. There are six paragraphs, so take turns, or divide the paragraphs between partners.

1. My name is Celia Calderon. I live at 3430 East Woodvale. The house across the street, number 3427, had been "for sale" for seven months, and vacant for four months. About 1:00 a.m. on May 2, I saw lights in two of the upstairs windows, so I called the police.
2. The blue and white F150 truck accelerated to run the yellow light, but it turned red before he got to the intersection. I think he saw the motorcyclist at the last second, because the skid marks were at least 30 feet and he swerved right, but he still hit that motorcycle and sent it flying into the red van.
3. Dr. Yamada's office is next to the pharmacy, so I went to ask him if he could write me the prescription. He said I would have to get it from Dr. Harrison or Dr. Berger. But they were both out and their answering service referred me to the Eastside Orthopedic Center, across from the hospital.
4. The police report indicated that at 10:30 p.m., both men were at home in the den when the suspect kicked in the basement door. They heard the noises and went upstairs, where a woman and four children were sleeping in two bedrooms. Three of the children locked themselves in a bathroom with their cat, while the adults and the other child went into a third bedroom to call for help. They reported hearing the suspect banging around the kitchen.
5. Mrs. Brownlee, you stated in your deposition that your son was expelled from Edwards Middle School, and that you then enrolled him briefly at Emerson Junior High before switching to St. Catherine's Prep. Is that where he and Erik Swift, Kyle Mitchell, and David McDougall got into the fight?
6. Both Jamal and Chandra work at the nursery. They wear those green polo shirts and the green baseball caps with gray stitching of the nursery's name on it – Hawthorne Hills Greenery. He usually drives the forklift on weekends and Monday, and she's on the afternoon shift Friday and Saturday, working the cash register.



## SUGGESTED SKILL ENHANCING EXERCISES: *Memory Skills*

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1. Practice visualizing your "familiar path" for using the Method of Locations. Then have someone *slowly* read you a list of 10 random words. Visualize and associate the words on your path. Recall the list. With practice, you will quickly recall all words listed.
2. Pick out someone riding the escalator in the opposite direction from you. Look at the person briefly, then recall what was worn, hair color and style, and what was being carried. Before you pass, look again to check the accuracy of your recall.
3. Listen to a short (15 second) advertisement on the radio. Try to repeat what was said. Use chunking to remember the telephone number, and visual association for other information. Is there a memorable logo phrase? (For example, Nike's "Just do it.")
4. Ask someone for directions to an intersection on a city map (they use the map, you listen to the directions). Use an acronym or acrostic to remember the street names (and turns).
5. Select a short speech or soliloquy from a play. Using chunking and visualization, try to memorize it in less than three tries.

***Remember, memory skills are developed with LOTS of practice.  
You are basically trying to keep your mind flexible.***









## CONSECUTIVE INTERPRETATION

- Introduction to Consecutive Interpretation
- Consecutive Exercises
  - Verbatim Recall
  - Verbatim Q&A
  - Affidavit (Bank Robbery)
- Consecutive Scripts
  - Script #1 – Interview
  - Script #2 – Custody Testimony
  - Script #3 – Cross-Examination
  - Script #4 – Landlord Testimony A
  - Script #5 – Landlord Testimony B
  - Script #6 – Gunshot Testimony
  - Script #7 – Accident Testimony
  - Script #8 – Drug Testimony
  - Script #9 – Medical Testimony
  - Script #10 – Domestic Dispute Testimony
  - Script #11 – Immigration Testimony
  - Script #12 – Weapon Testimony
  - Script #13 – Landlord Testimony C
- Skills-Enhancing Exercises: Listening



## INTRODUCTION TO CONSECUTIVE INTERPRETATION

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**Consecutive interpreting** occurs where one speaker (a witness, lawyer, or judge, for example) must first finish his/her statement or question before the interpreter begins to speak. Interpreters may only interrupt a speaker if it is necessary to achieve complete accuracy in a very lengthy statement. If a word or phrase is not heard or understood, the interpreter must ask the judge for permission to ask the witness to repeat or rephrase the statement, and then continue with the interpretation. It is a very good idea for interpreters to carry a comprehensive dictionary when reporting to an assignment.

Not only are good language skills for each language required, the interpreter must also be *bicultural* in order to understand subtle differences in meaning. Remember, interpreters must convey the exact meaning, tone and register as used by the person being interpreted without showing their own emotional reactions.

Practice is needed to remember what was said and how it was said. This session will give you practice in consecutive interpreting skills.



## CONSECUTIVE EXERCISES: *Verbatim Recall*

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**Directions:** One partner reads the passage, and another partner repeats it exactly as it was read. Be sure to switch roles. Pay attention to accuracy, inflection and tone.

1. Had you ever been to the residence at 2953 Bradley St. prior to the incident that occurred on January 12, 1991, when you were stabbed with a knife?
2. No, that was the first time I had ever been there. John had invited me before, but I never went there until the night of the party, when I was stabbed.
3. Did you recognize any of the individuals who were present at the party at John's house, at 2953 Bradley St., that night of January 12?
4. Well, there was one fellow I knew from work, and of course, John and his wife, and then there was the guy who stabbed me. I had seen him before with John playing soccer after work.
5. What about the person you were acquainted with from your job, can you tell us his name and describe him?
6. Yes, his name is Fred Bridges and he's about, well, I would say about six feet tall, and he has reddish blond hair, and he's kind of a burly fellow, you know, pretty big and muscular.
7. Now, what about the person you say allegedly stabbed you at the party on January 12? Can you give us his name, and/or describe him for the record?
8. Well, I know his name now, but I didn't at the time. He's sitting over there at the defense table. He has long blond hair in a pony tail, and he's wearing a suit and tie. That night he had on a leather outfit.
9. I'd like you to tell us about the events that led up to the stabbing that night at the party on January 12. Did the defendant say anything to you, or did you say anything to him?
10. No, man, I didn't say or do anything to him. He was raging around the place, probably high on something, he was yelling at everyone. Then he suddenly pulled this knife, and since I was the closest person to him, he stabbed me.
11. What was your reaction to -- strike that. What part or parts of your body, if any, were touched by the knife when he allegedly stabbed you?
12. First, he got me in the upper arm, here, in the biceps of my right arm. Then, as I tried to dodge him, he stabbed me again in the left shoulder area and down lower, in the left kidney area. I'm lucky I'm still alive to tell you.



## CONSECUTIVE EXERCISES: *Verbatim Q & A*

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**Directions:** One partner reads both the question and answer, and another partner repeats it exactly as it was read. Be sure to switch roles. Pay attention to accuracy, inflection and tone.

**1. QUESTION: What happened at about 7:15 p.m. that night?**

At about 7:15 p.m., a blue station wagon, maybe a 1981 Ford, southbound, approached the intersection of 35<sup>th</sup> Ave NE and N27<sup>th</sup>. There was a stop sign, I think, but the driver did not stop. Then he turned left and speeded away. Just before the stop sign, I could make out his license plate. I believe it was WKH392.

**2. QUESTION: Describe who was in the car on March 3<sup>rd</sup>?**

There were three passengers in the car, northbound. The driver seemed to be a tall red-haired man. Mr. Taylor was sitting in the passenger seat, and right behind him was the woman I also at the pharmacy the day before. They were going about 35 miles per hour.

**3. QUESTION: What is your income?**

My income varies a great deal... Er,... I can earn \$2,500 a month, but, well, some months I earn less. Last year I made over \$30,000, but with the car payment and rent, insurance, food, I'm lucky if I can save \$60 to \$70 per month.

**4. QUESTION: Describe who was at the house on June 22<sup>nd</sup>?**

First, there was just Mr. Johnson. Then about 11 that morning, two women arrived. One was kind of fat and she had short blonde hair and a lot of earrings. She was helping the other one. That one had her left leg in a cast. She had several tattoos and skinny gold bracelets on her arms.



## CONSECUTIVE EXERCISES: *Verbatim Recall*

**Directions:** Partner A reads the first 3 paragraphs, pausing for Partner B to repeat verbatim, first in English, then in your target language. Switch roles for paragraphs 4 through 6. Note any words or phrases that you do not know.

### Affidavit

I, Sandra Whitman, am employed as a teller at the Beech St. branch of the Bank of American in Albany. On March 12, 1989, I witnessed the following incident:

A caucasian male, approximately 5'10" tall, with brown, shoulder-length curly hair, striking blue eyes, and a ruddy complexion, entered the bank through the Main St. entrance at about 10:30 a.m. He approached the window where I was working and told me that the automatic teller was "on the blink," and that someone from the bank staff should take a look at it. Because he was acting suspiciously – nervous, shifty-eyed – and because I detected the odor of alcohol on his breath, I buzzed my supervisor using the button that is concealed under the counter.

Just at that moment, a short Hispanic male, approximately 5'6" in height, with short dark hair, brown eyes, and a mustache, burst into the bank from the Beech St. entrance, shouting "All right, all you assholes, get over there, on the double! This is a hold-up! Just do as we say, and we won't have to blow you away!" He and the caucasian man proceeded to herd everyone, customers and bank employees alike, into the bank vault.

Then two more men, both short and dark, their faces covered with nylon stockings, entered the bank, brandishing submachine guns, and began stuffing cash from the tellers' drawers into what looked like large flour or meal bags. The two masked men and the Hispanic appeared to take orders from the caucasian, who barked commands at them as he waved a gun at us. I could not see the weapon clearly, but it had a short barrel and was a dark metallic blue color.

After the men had gathered all the cash they could find, the Hispanic man shouted, "So long, suckers!" and they all rushed out the Main St. door. They must have had an accomplice waiting outside in a get-away car, because as soon as they were out the door, I heard a vehicle accelerate and pull away. The driver must have kept the motor running, as I did not hear the engine actually start. Judging by the sound the car made, I would guess it had a diesel engine. After the robbers were gone, the bank manager phoned the police.

I swear under penalty of perjury that the foregoing statement is true and correct to the best of my knowledge and belief. If called to testify in a court of law, my testimony would be essentially the same as this affidavit. Signed this 13<sup>th</sup> day of March, 1989.

Sandra Whitman, Assistant Teller



## CONSECUTIVE EXERCISES: *Interpreting into Target Language*

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**Directions:** Select one of the following scripts. Take turns reading a page of questions and answers, pausing for the interpretation into your target language.

Groups of three work well: one asks the question in English, the second *sight translates* into the target language, and the third person can interpret the question into the target language and the answer into English. It would go like this:

- 1 – reads Question in English
- 3 – interprets Question into target language
- 2 – sight translates Answer into target language
- 3 – interprets Answer into English

Again, alternate roles every page.

Remember, DO NOT ALLOW YOUR OPINIONS to color your rendition of a speaker's words. The subject matter may be one about which you have strong opinions. Pay close attention to your reaction to the text while listening, and maintain the same level of language (register) as the speaker.

Also pay attention to accuracy, inflection, and tone. Jot down any words you did not know.





## SUGGESTED SKILL-ENHANCING: *LISTENING*

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The exercises described below will provide both the novice and the experienced interpreter with methods to improve skills for consecutive interpreting, as well as for simultaneous interpreting and sight translation.

**Note:** improving your listening and memory skills is an ongoing and lifelong endeavor. As you gain experience and confidence, your skills will increase.

### Effective Listening

1. Observe conversations conducted outside of earshot (e.g., across a room, with the volume turned down on the TV, in a crowded area such as an airport or shopping center). Note how facial expressions, gestures, body movements, posture, and eye contact – or lack of it – reveal what the speakers may be saying. What do you think they are talking about? Which nonverbal cues suggest the nature of the conversation? What language do you think the participants are speaking? How do you know? Try this exercise in all your working languages. How do the cues differ in each language?
2. Listen closely to someone you cannot see, such as a telephone caller or radio broadcaster, and analyze the person's manner of speaking: voice, pitch, tone, and volume (loudness) as well as other sounds, such as stutters, sighs, hesitations, and tongue clicking. Do this exercise in all your working languages and compare the differences among them.
3. Analyze words and their meanings by asking others what they mean when they use a particular word or phrase. Write them down. How does their word usage differ from yours?
4. Go to a store with a friend (who will run a small cassette recorder) and ask the clerk about a product. Five minutes later, try to repeat exactly what the clerk said. Play back the tape recording to see how accurately you recited the original message.
5. Ask someone for directions to a place you know how to get to, then ask for directions to an unfamiliar place. What happens in your mind in each situation? Do you lose your train of thought or do you jump ahead?
6. The next time you have a conversation with someone and miss part of what was said, analyze what went wrong. How did you lose your concentration? Were you daydreaming? Were you distracted by an unfamiliar word or a physical interference? Did a previous, unresolved conversation or thought intervene?

7. As you listen to long speeches (e.g., watching C-SPAN or attending a city council meeting), try to condense it into a few meaningful units. Organize the information into groups. For example, if a person were to list the schools she had attended and the subjects studied, you could group the schools by location and the course names by topics. Numbers can be grouped the way people recite phone or social security numbers – in groups of two, three or four numbers, rather than as a string of unrelated numbers. **Please note** that when interpreting testimony, you should maintain the speaker's word sequence as spoken, except to accommodate the syntax of the target language.

## CONSECUTIVE I

**Chamness:** Today's date is February 28th, 1993, and the time is 8:15 am. This is in reference to Seattle Police case 93-250819. Conducting the interview is Detective M. Chamness of the Seattle Police Department Special Assault Unit, and the person being interviewed at this time is Rebecca Downey. Rebecca, do you understand our conversation is being recorded at this time?

**Downey:** Certainly.

**Chamness:** And do I have your permission to do so?

**Downey:** Thank you, yes.

**Chamness:** OK, Rebecca, would you please spell your name and give me your address?

**Downey:** Yes, my name is Rebecca, first name Rebecca - R E B E C C A; middle initial L; last name, Downey - D O W N E Y. I presently reside at; have resided at 236 19th Ave NE in Seattle, for the last eight years.

**Chamness:** OK and you're familiar with an individual known to you or known by several names -- Carlos Espinoza. Do you know his true name?

**Downey:** When I first was introduced to Ramón, he told me his name was Carlos, and it was sometime after that I learned that in fact it was "Ramón", and I believe, and in fact have seen an official document to this effect that his real given name is Ramón González Gómez.

**Chamness:** OK, and how did you meet Mr. Gómez?

**Downey:** I met him through a friend, just briefly at the Pike Place Market area, in... in the Market, in the park area, probably about a year and a half ago.

**Chamness:** OK, and so you've carried on some type of at least contact with him for that year?

**Downey:** Well, I knew him just briefly. That was about July, and then he was arrested for selling drugs on the street in about October, I believe, of... would have been '90, and I maintained contact in terms of corresponding with him, sending him money and visiting him from time to time.

**Chamness:** OK. Did he make contact with you when he got out of jail?

**Downey:** The first time, are we talking about?

**Chamness:** Yeah, the time he went in for the drugs.

**Downey:** When he got out... yes... I'm trying to think. He definitely made contact. It was already as if by that time he had become totally fixated on me, because he... I think there were two things going on -- one, he... he thought he was in love with me; and two, sort of as a separate issue, he

Consecutive Script #1

Washington State Court Interpreter Certification Program

could see that I was a supportive person and that in a sense I wasn't easily offended. You know, I would see that flip side of him where he would be very negative and... and... and talk very abusively, but I'd also seen that sweet side of him by that time, and... and wanted to concern... wanted to believe that that was the true Ramón, and.. and I think he could see that that's the part of him that I had faith in and that seeing what a good support person I was, he... he said many times he didn't want to lose that, that I would be a big loss.

**Chamness:** OK, now, did he ever live with you for a brief time?

**Downey:** Briefly when he came back after that initial incarceration, or arrest and incarceration that lasted about nine, ten months. He came back and was in my home, oh, roughly a week before another incident occurred.

**Chamness:** OK and you also live there with a thirteen-year-old daughter?

**Downey:** Right, uh huh. She was eleven or twelve at that time.

**Chamness:** All right, was there another incident then about a week after he stayed there.

**Downey:** Right. When he came out of jail, he was somewhat different, as one might expect, and... and I could see that he was under a lot of pressure, had a lot of expectations of me to provide for him in certain ways, even though I had tried to make it very clear to him that my resources were very limited, that I was... I would remind him again and again that I was a single parent with my only income, which is a secretarial income, and that it... it was extremely limited, that I had a number of bill to absorb, since I'd been diagnosed with breast cancer just the year before, and...in... in fact, it was...it was that summer that I'd just undergone this radical mastectomy and was undergoing chemotherapy at the time, so in addition, he knew that my health was not very good.

**Chamness:** OK, and was there... what was that incident that took place?

**Downey:** OK, he... he came to my home and he kept talking about joining a martial arts kind of club, or taking a course in martial arts, and he wanted me to pay for this, and I told him...well, I subscribe to the idea of him doing something constructive like that where he could, you know, utilize his Physical energy. I...I told him I didn't have the funds to do it, and...and one day I came home after work and he was...he seemed very anxious and angry and...and asked me just the moment I walked in the door, you know, why dinner wasn't ready and it was just ludicrous. I mean, I even laughed, although it...at the ludicrousness of...of his expectation, and...although I...I can...went ahead and I made dinner because I, too, was hungry.

**CHAMNESS:** Ok, did an assault take place? I...I don't mean to cut you off...

**DOWNEY:** Yes, it did. It...it did. He refused dinner. He was sulky. I sat down to ask him what was going on, and he just flew off the handle. He started hitting me, slugging me around the head and upper body, knocked me down and started kicking me fiercely.

**CHAMNESS:** Ok. Were police called?

**DOWNEY:** And after a few minutes he...he let up the attack and I managed to get to the door, out of it with him in hot pursuit. I got into a neighboring apartment. That person went out and hailed the policeman who came and arrested him.

**CHAMNESS:** All right. Now, after that assault did your relationship with him continue?

**DOWNEY:** Well, hew was incarcerated then for another three months, and I foolishly corresponded with him, although I continued to tell him not to come back, not to come back.

**CHAMNESS:** OK, did he come back?

**DOWNEY:** And he came back anyway. I said, "This is against my better judgment." I said, "You're putting yourself in a very, you know, compromising position to do this." I was very clear with him that he should not return, and...

**CHAMNESS:** But he did return?

**DOWNEY:** He returned anyway and I...you know, while he stayed a few nights on occasion in my apartment, he never took up residence with me again. In...instead, he lived on the street, in var...various motels, moving from one to...to another.

**CHAMNESS:** Do you know if he was dealing drugs at this time?

**DOWNEY:** I..I know he was. I know he would bring quantities to my apartment and cut them up.

**CHAMNESS:** All right, so you knew he was dealing at that time?

**DOWNEY:** Uh huh, uh huh.

**CHAMNESS:** All right, now, this latest situation where you were assaulted...

**Downey:** Mm hm.

**Chamness:** OK, did he come uninvited to your apartment?

**Downey:** Right. I didn't know that he was coming. I...

**Chamness:** OK, did... was your daughter there at the time?

**Downey:** No, she was not on this occasion.

**Chamness:** OK, and then while he was there, you pretty clearly described it in a Faxed statement to me, but just briefly, he... he attempted to have sex with you against your will?

**Downey:** Exactly. He came in and again he was very anxious and angry and it was apparent to me right away that he had been drinking. In fact, he even had a six-pack in hand and I said, "Please don't continue to drink here. I'm just getting ready to go to bed. I cannot..." and... and after that he offered me some cocaine. I said "no" I said "I'm a straight person. You know that. I cannot..." I had a kidney infection. I said "I'm ill. I have to go to bed."

**Chamness:** And then the assault took place as you described?

**Downey:** Right. He... he... he started..., he started..., he took a hold of my hands and pulled my... well, by that time he had already taken my shirt off and cut it up, and... and then... you're right, the... the assault itself started, just a physical... a physical wrestling match that lasted until he passed out, over three hours later.

**Chamness:** Now, you... you indicated to me prior to this assault which took place on... on May 20th. that you received a call from him on February 20th at about 11:00 am, and it was a threatening phone call, and it created enough fear in you that you had planned to move out of your apartment, is that not correct?

**Downey:** Definitely. I'd given... I gave notice on my apartment. I spirited my daughter out of the home that night.

**Chamness:** OK, and so you sought alternative residency because of this threat?

**Downey:** Exactly. I could tell that he was extremely inebriated and I was sure, based on past observation of him, that he was full of dope.

**Chamness:** OK and you were afraid of this individual?

**Downey:** Right, definitely.

**Chamness:** OK and it was the situation on the 20th, the night of the assault that you reported again to us...

**Downey:** Mm hm...

- Chamness:** ... that you were afraid of this individual and in fact feared for your safety?
- Downey:** Definitely, no question about it, but I thought that I could get him under control, but it was apparent that nothing that I said or did, I couldn't reason with him. He was totally out of control.
- Chamness:** OK, now, you were able to flee your apartment eventually the next morning, and then you returned two days later...
- Downey:** N... OK...OK, what I did that night was, I stayed with a friend from my job, 'cause I was trying to get into a shelter, and so on Monday night I couldn't get into a shelter, so I was with... I... I left my friend's home and decided to go back home to pick up a few things, and at that point found him barricaded in my apartment.
- Chamness:** And you called police?
- Downey:** And I got... went and found a policeman and... who ca... who agreed to come with me to the apartment. He... he called another man who accompanied us, and I finally persuaded Ramón to open the door, at which point we arrested him. I told him... or, he was arrested. I told him the night before. He had been ca... he called me the night before, tried to act like nothing was wrong, and I told him... I told him, I said, "I'm not coming back to the apartment, but", I said, "if I do, I will be bringing police with me."
- Chamness:** OK, very good, and I think that most of what happened in the apartment that night is pretty well covered in your statement to me.
- Downey:** Right. One thing that's really important, I think, to point out is that he threatened me again if I screamed that night or if I notified the police, he said that it's true, he possibly could go to jail, but that he could put me in the hospital first, and I.. I know that he's fully capable of doing that. When... because he feels so threatened in terms of... of his own activities on the street.
- Chamness:** OK, very good. I appreciate your assistance on this.
- Downey:** OK, thank you for your help.
- Chamness:** The time is 8:28; I'm going to conclude this recording.

## CONSECUTIVE II

**BY MR. McLAIN:**

Q. Would you state your name?

A. Kimberly Stacey Rayburn.

Q. Would you spell your last name?

A. R-a-y-b-u-r-n.

Q. Where do you live now?

A. My home is in Edgewood.

**MR. DOUGLAS:** Is that the home she lived in when she was living with her husband?

**MR. McLAIN:** Yes, it is.

Q. (by Mr. McLain) Now, you have heard our discussion regarding temporary...

**THE COURT:** You live in the family home where you lived when you were still married?

**THE WITNESS:** Yes.

Q. (by Mr. McLain) Do you recall the two youngest children would stay with you subject to certain visitations?

A. Yes.

Q. And the two oldest boys would stay with your husband subject to your visitations?

A. Yes, right.

Q. Please relate to the Court the incident when the third child left you.

A. I sent him...

**MR. DOUGLAS:** Excuse me. Who is "him"?

**MR. McLAIN:** Robin is the 11-year-old.

**THE COURT:** Robin is 11 years old?

**MR. McLAIN:** Yes.

Q. Mrs. Rayburn, please continue.

A. He said he was going for a bike ride. We waited and waited for him to return, but he didn't so I assumed that he had gone down to his father's and I...

**MR. DOUGLAS:** He has a business in Edgewood, Your Honor, his own.



**THE COURT:** Where does the father live now?

**THE WITNESS:** I don't know, really. I think he is staying with his parents in Edgewood.

**THE COURT:** Edgewood, you say?

Finally Robin came home and said, "I came after my clothes." I said, "How can you do this to your own mother?"

He ran towards the back door and the two older boys had come in and grabbed Robin, were pulling him this way and that way, which was breaking my heart...

**THE COURT:** You mean you two adults were pulling a child?

**THE WITNESS:** No. The two older children were trying to get Robin out of the house.

**THE COURT:** Your two older children?

**MR. DOUGLAS:** Randy and Rick are the two older children, Your Honor.

**THE COURT:** And your husband was standing by, letting this go on?

**THE WITNESS:** They drug me to the front door holding on to Robin.

**THE COURT:** What was your husband doing all this time?

**THE WITNESS:** Standing there on the porch watching.

**THE COURT:** God! The way adults act!

**Q. (by Mr. McLain)** Were any comments made to you about the two older boys?

**A.** The older boy, who is going into the priesthood – and I just can't believe the way he has been acting—He called me an SOB. Can you imagine? To his own mother. He has never used a cuss word or...

**THE COURT:** This is your oldest boy? Did you teach him that? SOB?

**THE WITNESS:** No, Your Honor, he has never been that kind of boy.

**THE COURT:** How old are these older boys?

**MR. DOUGLAS:** Fourteen and sixteen, Your Honor.

**Q. (by Mr. McLain)** Mrs. Rayburn, are you still willing at this time that you would have the two youngest boys temporarily and that the father is entitled to the oldest two boys? Are you willing to go along with that?

**A.** I don't know. He keeps telling them things.

**MR. DOUGLAS:** Excuse me. Who keeps telling them things?

**THE COURT:** How do you know he has been telling them things?

**THE WITNESS;** Because Robin has told me these things his father has said.

**MR. McCLAIN:** I have no further questions at this time.

**THE COURT:** You say you have refrained from telling your children anything degrading?

**THE WITNESS:** I try to.

**THE COURT:** Or your problems of your marriage or anything?

**THE WITNESS:** I really try.

**THE COURT:** Or your divorce?

**THE WITNESS:** Except I do defend myself. My husband said that I am having an affair with the fellows, the deputy sheriffs. He has got...Well, I won't say.

**THE COURT:** Why on earth should your children even know about this? How did they know?

**THE WITNESS:** Evidently he has told them because my 14-year-old says, "You are having an affair with so-and-so,"and I said, "I am not."

**MR. McCLAIN:** There is an awful lot involved in this and we cannot present our full story here today because of lack of time. I don't have all the witnesses here, either.

I'm trying to confine it to leaving the agreement they have in effect.

**THE COURT:** This is just to see whether your temporary agreement was good and whether it should be incorporated into a court order?

**MR. McCLAIN:** That's all at this point, at this time. I would like to reserve a little time to continue later.

**THE COURT:** Cross-examination, Mr. Douglas?

**BY MR. DOUGLAS:**

**Q.** Are you aware that all your sons have expressed a desire to live with their father?

**A.** That's not true.

CONSECUTIVE III  
CROSS-EXAMINATION

BY MR. MOORE:

- Q. Ms. Ingram, will you give us a point in time when Jamie told you that his mother tried to cut her wrists and then you observed it and it wasn't cut? When did that take place?
- A. Well, I have a calendar of different dates.
- Q. Was that within the last few months?
- A. When this happened? No, it was before Jamie was taken and it was in the early part of the year.
- Q. In 1990?
- A. This is 1990? Yeah, it was about that time, yeah, it was.
- Q. Before she had been to the detoxification center, the Gresham Care Center.
- A. I think it was after, but I'm not sure. I don't really know.
- Q. How long has it been since you lived in the same residence with Barbara?
- A. At the same house?
- Q. Yes.
- A. When we were growing up, kids, way back when.
- Q. So throughout none of this period did you live together that you testified to?
- A. We lived two houses away.
- Q. But you didn't live together?
- A. Oh, just before...
- Q. Did you live in the same house?
- THE COURT: Let her answer the question before you start.
- A. If she wasn't in my yard, you know, we saw each other. We were right there, back door neighbors.
- Q. And she took care of your children?
- A. Yeah, sometimes she did, sure.
- Q. Did you have any problems as a result of her taking care of your children?
- A. One time.
- Q. What happened?

- A. I was down in Salem visiting my grandmother and my aunt and got a phone call that Barbara had come home, that she had been drinking that day and by 3:30 that afternoon was intoxicated and my daughter was scared and did not want to go home with her.
- Q: How many times has she watched your children for you?
- A. How many times? I don't know.
- O. Ten or more?
- A. In the process of... how long?
- Q: In the last year?
- A. Sometimes she will watch them for an hour.
- Q. In the last year, how many times has she watched your children?
- A. Oh, I would say... OK, ten times sure.
- Q. And if she had the ability to do so again, would you be willing to let her watch your children?
- A. If she was not drinking, sure.
- Q. In other words, you would still look at her as an appropriate place to have your children?
- A. She is excellent when she is not like that. She's great. She does great things and she...
- Q. Ms. Ingram, do you drink?
- A. Not too much.
- Q. Do you drink alcoholic beverages?
- A. Yeah, I suppose...
- Q. Have you ever been intoxicated?
- A. Three beers make me intoxicated. So I suppose I have been intoxicated before.
- Q: Since Barbara left the Gresham Care Center, how many times have you seen her intoxicated?
- A. Since she left?
- Q: Yes.
- A. About five times. But I can't say they were all intoxicated, they were all something.
- Q: You saw her intoxicated five different...
- A. I can't say whatever you want to put the name intoxication on. She was on something.
- Q. Five separate occasions since she's been released from the hospital?

- A. I could say about that.
- Q. Where did you observe her in this condition?
- A. One time was at my house, a couple of times at my house, in fact. On one time was up the hill at my dad's house, just around the neighborhood, I mean.
- Q. And during these tithes when you have seen her intoxicated, was there anybody else there who also saw her intoxicated?
- A. Whoever saw her?
- Q. Was your dad there when he was... when Barbara was at your dad's house intoxicated?
- A. Yeah. Ida was there a couple of weeks ago on a Sunday. She had come down and I did not see if she was intoxicated or not, but she was very glassy-eyed and a little staggy.
- Q. You testified you saw her intoxicated or somehow under the influence of something on five different occasions?
- A. OK.
- Q. My question is, on those five occasions, was there anybody else present who could also so testify?
- A. Ida would be one.
- Q. Was she present on all five occasions or how many times?
- A. She was present on two occasions. My kids have seen her. I'm trying to think of...
- Q. Would any of your sisters have seen this intoxication?
- A. Helen.
- Q. Is this the same two occasions that Ida saw her?
- A. No, it would be...
- Q. Where did that take place when Helen was present?
- A. In between my house and Dad's house.
- Q. It was on the street?
- A. Yes, on the street. There's three different houses on one road and I'm in one and she was this one and my dad in the other.
- Q. These all took place since her release from Gresham Care Center detoxification?
- A. I would say so.
- Q. Were you a frequent visitor in Barbara's home on Malcolm?
- A. Yeah.
- Q. How often is frequent?

- A. Well, I don't know if I was welcome sometimes.
- Q: Ten or more times?
- A. Oh, sure.
- Q: OK. Was her house always the way you described it before?
- A. If you put it up on the board at ten, maybe twice I've seen it clean where it was very nice and neat and clean.
- Q: OK. Were all your visits, visits that she could anticipate you coming?
- A. No. Sometimes she never came out of the house for a while.
- Q: In other words, you would drop in on her?
- A. Yeah.
- Q: And she would drop in on you?
- A. Uh-huh, yeah.
- Q: And would you say about twenty percent of the time it was clean and the rest of the time it was as you described?
- A. If she had anybody coming over and if she had an appointment with the nurse from Jamie's school or one of you guys or something, sure her house is clean.
- Q: Your statement that she had dropped Jamie on his head, did you ever see that?
- A. Yes, I have.
- Q: Was it a part of playing with Jamie or was it a part of punishment? Was it an accident? How would you describe how that happened?
- A. I wouldn't call it an accident and you don't punish a kid by dropping him on the
- Q: Do you think she was intending to punish him by doing that?
- A. It's a strange way of punishing someone.
- Q: Do you think she was? -
- A. No. I think she was drunk and she dropped him. There's been times when she dropped him and she, both, passed out on the floor..., not Jamie, but she was.
- Q: She dropped him accidentally?
- A. If you tell her not to take him and she takes him and she drops him, then that is not an accident. It's like if you give someone a gun and you say don't shoot and...
- Q: Did she intentionally drop him do you feel?
- A. I would say yes. She can't... it would be an intention because she was in that state. If she wasn't in that state she wouldn't have dropped him. You see?
- Q: She didn't intend to hurt Jamie?

- A. No, I'm sure she didn't.
- Q. And she wasn't trying to punish him when...
- A. I'm sure she doesn't do that, no.
- Q. In your visits in Barbara's home, did you have the opportunity to see where Jamie was sleeping and the room where he stayed?
- A. Uh-huh.
- Q. Did he have a room of his own?
- A. Yes.
- Q. And did he have a bed in there?
- A. Yeah... it was a split room.
- Q. In the time that you have seen Jamie, was he adequately clothed?
- A. Yes.
- Q. Do you feel that Jamie is adequately cared for with his mother?
- A. Now?
- Q. Yes.
- A. Not yet, I don't. I think when she goes through the period of her life she needs to go through and gets things straightened. But, I feel weird sitting here saying someone's bad or someone does this or that. But I have no heart to judge someone, what they do or what they don't do. So you know...
- Q. OK. Do you view her problems with alcohol as being more severe today than they were six months ago or a year ago?
- A. No, but I don't see her as much today as I did six months ago or a year ago.
- Q. Do you feel that her problems in parenting are worse today or the problems that you see Jamie having to cope with being worse today than they were a year ago, six months ago?
- A. She doesn't see Jamie that much.
- Q. I asked you how you saw...
- A. Hey, I see Jamie.
- Q. I'll ask the question again.
- A. Thank you.
- Q. Do you see the conditions that Jamie would be living in with his mother as being substantially worse today than they were six months ago or a year ago?
- A. Oh, no, I don't think so. I mean, I think she's come a long way, you know. It's just that long road that we have got to go.

- Q. She has improved a lot during that period?
- A. OK, she's improved. I think Jamie has improved where he is, too.
- Q. Meaning? In foster care he improved from the way he was with her?
- A. Oh, yeah, he looks very happy. He looked content. He looks like he has got security. He doesn't have dark, dark circles and he doesn't look hollow and sad and you know, kind...
- Q. And he did look that way before?
- A. Oh, yeah, he did. He didn't know when she was going to pass out two or three times a week in front of him. What he ate he got himself. He watched TV and stayed in the house all day long.
- Q. When you say that...
- A. When she hibernated, she would stay in the house for a week at a time. She would never have her doors and windows open to anybody or nothing. And I think he was... he looks great.

**MR. MOORE:** No further questions.

**MR. KELLEY:** Your Honor, I don't have any questions after that.

**MS. ANDERSON:** No further questions.

**THE COURT:** You may step down.



#### CONSECUTIVE IV

- Q. Ms. Porter, will you tell me your address, please?
- A. 8952 North 183rd. Place, Kent.
- Q. I'd like to start by asking you to tell me how you first came in contact with the plaintiff Aileen Strauss.
- A. S he was baby sitting... living with another family on weekends. And it was a friend of ours. And we were looking for a baby sitter for Aaron who was six weeks old or so. And so we called her and she was more than happy to start watching Aaron. So, we started having him go over to her house while I worked, which was five-hour days or so.
- Q: At some point, did she come to live in your house?
- A. Yes.
- Q: How did it happen?
- A. Well, her grandson, who she was living with, left, and he didn't give her any notice and so she couldn't pay the rent. So, she was behind in her rent and a lot of other bills and we offered to let her stay at our place if her family wasn't going to help her out.
- Q: Whose idea was that?
- A. It was ours in the beginning when we saw that she was having problems.
- Q: Was it yours or Mr. Porter's, if you can remember?
- A. I don't really remember which one.
- Q: At that point, who... did one of you do more of the business dealings with her initially or did you both do it?
- A. It was usually when we were both there, we talked about it. There wasn't a real business dealing about it, it was more or less she needed some place to stay.
- Q: At that point, do I assume correctly that you were pleased with the work that she had been doing for you?
- A. Yes, I couldn't see it as long-term, though, you know, because of her age and Aaron was going to be around children eventually.
- Q: Initially, when she moved into the basement of your home... is that where it was?
- A. Yes.
- Q: How did it work?
- A. Well, we told her we were going to remodel downstairs. So, it was kind of up to our getting our refinancing available when we'd get everything done. But she looked downstairs and thought it looked just fine. And we said, "Well, you know,

as it is right now you're going to need to come upstairs to use the bathroom because we don't have a bathroom down there." And she had her refrigerator set up and her microwave and everything. She said, "I don't even need anything else, this is fine for me." So, I assumed that her living condition was fine. She spent a lot of time upstairs with us for dinner and birthday... we had a birthday party for her upstairs.

Q: Did the three of you and Mrs. Strauss get along pretty well?

A: Yes.

Q: And did that... how long did that continue?

A: Up until the point where we started getting things stolen, one time from Mary's great grandson, Brian, and then it started with Linda giving us problems. So, it came down to the point where we said, "We don't want Linda living here all the time." She would spend weekends when Mary wasn't there.

Q: Did you ever have problems with... let me clarify for the record that the plaintiff's full name is Aileen Strauss, but...

A: I call her Mary.

Q: ... you call her Mary, is that right?

A: Yes.

Q: Did you have problems with her, as distinguished from her granddaughter?

A: Well, the only problem we felt with Mary was that she was getting old enough that she couldn't go upstairs and play outside. Most of the time she sat in front of the TV set. And that was Aaron's day, was mostly down in the basement. We asked her if she wanted to take a walk or anything, but that wasn't really an interest to her. So, we fixed up a little bench and things outside. She'd go up sometimes, but most of the time in the summer she spent upstairs.

Q: On a personal level, though, did you have conflict with her or did you get along with her?

A: Well, she's spunky. There were fights sometimes between her and Steve over little things. But overall, we got along pretty well.

Q: And you felt that she was basically a responsible person, is that true?

A: Pardon me? A responsible person? Yes.

Q: Let me ask you to be sure to speak loud enough so that it's picked up.

A: OK.

Q: Was your answer to the question "yes"?

A: Yes.

- Q: Thanks. Now, did you ever start to have really serious conflict with Mary herself?
- A: I think it was near the end when Aaron was getting restless downstairs. And I told Mary specifically, "I don't want him eating candy anymore", because she would tantalize him by saying, "Come downstairs and I'll give you M&M's." So, she started giving him M&M's and I said, "No more chocolate." And then she started feeding him bonbons, I think in her head thinking this isn't the kind of chocolate that I was giving him. But that's when I asked her to stop that, too. And it was kind of... I think she took it wrong when I was asking her to do that, it was insulting to her or whatever. But I think that was the start of when we started seeing that she wasn't giving him the kind of exercise and attention that he needed.
- Q: Now, after that, did any more serious problems arise between... either between you and Mrs. Strauss or between Mr. Porter and Mrs. Strauss?
- A: The problem with Mrs. Strauss and I became involved with her granddaughter, Linda, which she was defending. She felt that Linda had a perfect right to be there when she wasn't there. And we said that was all right. But when we started missing things that were coming up gone... and I know Linda didn't like me, there was just an attitude she had about me. And I think the friction between Linda and Mary and my husband and myself just became unbearable a lot of the time.
- Q: Were there other people that were sometimes at your house, other guests or friends, that either had access to your house or sometimes stayed at your house?
- A: There was one time we were on vacation and we had our house watched because I was nervous about getting it robbed again after we had missed some things. And I know that the things that were missing were still there because we had them with us, like the camera was down in California with us. So, that was a matter of missing it then while we had our house guest. It was a person I worked with and still do. It wasn't uncomfortable for me to feel like I couldn't trust him.
- Q: Who was that?
- A: Steve Bell.
- Q: Would you tell me what the condition of the basement was when Mrs. Strauss left?
- A: Well, it was basically in the same shape, although she'd left garbage... lots of bags of garbage downstairs and there were spots on the carpet and a large mud spot or something that I haven't been able to get out. But overall, it's about the same.

- Q. Did she tell you or did anyone say that Mr. Porter had told her she could leave the garbage bags and he would take it out?
- A. That's what... when he talked to her... but it changed afterwards because he said, "Mary, you can leave me some money and I'll take it to the dump or you can take care of it if you've got room." And so when I talked to Steve about it and he said, "Well, I called Mary and asked her if she could take it out." I know... you know, "It was an inconvenience for you. Since I'm not living there anymore, I really can't expect you to sit there and deal with all these boxes and garbage and things." So, he talked to Mary and she said, "Yes, we'll move it." And it never did get moved. But there were large things which he didn't know there was going to be, old projectors and reel-to reels and things like that were quite heavy, aside from garbage, garbage that was starting to smell.
- Q. What all happened to that?
- A. I ended up taking it to the dump myself.
- Q. But up until not too long before she left, there were several garbage cans, weren't there?
- A. Yes.
- Q. Shortly before she left, the number of garbage cans was reduced, is that correct?
- A. That's true. But they weren't mine, they were my husband's for his landscaping business.
- Q. So, how many were there at the time when she actually moved out?
- A. When she moved out, there were two.
- Q. Now, this stain on the carpet, how long had it been there?
- A. That happened just the night before she left, before Linda ... when Linda was downstairs. Because it wasn't there... I know I was vacuuming the carpet while Linda was there and then the next day Linda was downstairs with a friend of hers doing some final moving and it was down there that night. It was still wet, too, so I know it must have just been a plant or something that tipped over.
- Q. And has it been shampooed or anything like that since then?
- A. Well, I've taken cleaner to it. It's an industrial carpet. It's not very easy to clean. I don't know if I can clean it.
- Q. Now, have you seen the answer that your lawyer prepared in this case?
- A. The answer?
- Q. Have you seen this document before today?
- A. Yes.

- Q: And what I wanted to ask you about is the reference on the second page to damage and waste.
- Is that... is it the stain on the carpet that's referred to by that?
- A. Yes, that was..., the majority of the problem was the carpet. Little things like the cat..., the cat was... I think she had an older cat that had a bladder problem and there was an odor left downstairs from the cat. I don't know that there's anything that can be done about that. But there were lots of times when we would have to leave the upstairs door open and downstairs because the house smelled so terrible from the animal, which I think she eventually put to sleep.
- Q: Have you gotten any estimates for cleaning the carpet?
- A. No.
- Q: Do you know what the carpet cost to put down?
- A. I can't say that I remember. We put it in right before she got there, though. It was brand-new. In fact, she moved in right after it was down.
- Q: What's the state of the carpet right now?
- A. Aside from those things, it's the same carpet and it's in the same shape, I assume. The wear and tear is normal.

### CONSECUTIVE V

- Q. Ms. Porter, do you remember sometime in May having someone come to deliver court papers to you that had to do with this case? It was on a Saturday afternoon.
- A. Delivering court papers to us?
- Q: Court papers.
- A. No. Was I served? I don't believe I was served.
- Q: Do you have any recollection of it, of how you got some papers?
- A. Oh, yes, I believe that there was some taken to us.
- Q: Do you think that would have been on a Saturday afternoon?
- Q: More than likely.
- Q: And do you remember what you did with them?
- A. Well, I probably... It's probably someplace in my home with a lot of these papers.
- Q: Now, at sometime in May, as you'll remember, the telephone in Mrs. Strauss's living area was disconnected. Do you remember what happened?
- A. Yes. We were informed by your written notes to us and through our lawyer that shortly she was going to be moving out. She told us that she would be moving out. You wrote down specifically in one of the letters a frame that said she should be gone by then.

When we called the telephone service, it was basically to make sure we weren't going to have any extra bills. But we waited until that week we felt that she was going to be gone. And when we talked to her, we notified her that we thought that she was going to have things ready to go on Monday. And she didn't deny that. But when we decided to have the phone disconnected, it was beforehand that we thought she was going to be gone and we didn't want to be left with a bill because it was our phone and it was our name. She had left a telephone bill at her prior place, as well as back rent. So, I was nervous about getting stuck with the bill.

- Q. Who made the decision to have the phone disconnected, do you remember?
- A. I think both myself and my husband.
- Q: And who actually arranged to have it disconnected?
- A. I believe I made the phone call.
- Q: Now, I'm handing you what's been marked as Exhibit No. 1. Is that a copy of a letter you've seen before?
- A. Yes.
- Q: And is that the first letter that you received from me?
- A. I don't know what order it was in.

- Q: Isn't it the only letter that you ever received from me?
- A: The only letter from you directly?
- Q: Yes.
- A: This was written to Steve. I'm not sure that I probably saw it in this same... or that I was getting a lot of paperwork from my attorney as well as you writing him. But we did get a letter from you saying that she was going through King County Housing, my husband called King County Housing to see when she was moving and they said they hadn't gotten any papers from her yet and hadn't even begun looking. This was after we heard from you that... we had disconnected the phone and that we were at fault. Then we decided to see when she was actually moving. And they said they had no record of it and they were still sending us paperwork to be filled out to even start looking for housing.
- Q: Did you receive requests for references from both the King County Housing and from Seattle Housing Authority?
- A: I remember getting one set of requests.
- Q: And did you send a reference?
- A: We didn't feel that we would have been a good reference since we were very disappointed at the time, plus we knew that she hadn't... she didn't have a habit of walking away dead free and she left rent at her last place, which I talked to her landlord about later and she said, "I just felt it was for your benefit that I was giving her a good reference so you could have your place back to yourselves."
- Q: So, neither you nor your husband, as far as you know, gave any reference to any place?
- A: No.
- Q: Now, after you received the letter that I showed you, did you have the phone reconnected?
- A: No. No. We asked her if she could reconnect it in her name so she would be responsible. Because it was our... we put the telephone in originally for a service. My husband believed that he was going to move downstairs when Mary left and have his business. So, the telephone was installed by us. She paid her monthly bill. And that was where we felt that if she wanted to have a telephone, she could ask to have it put in her own name and the service would be totally hers and she wouldn't have to go through us. It wouldn't be our responsibility and a burden to us since we weren't feeling like it was particularly comfortable at the time between us.
- Q: At whose suggestion was it initially that the phone be in Mr. Porter's name?

- A. It was ours since we were going to keep the phone downstairs when she left.
- Q: And who paid for the installation?
- A. We did. There's no doubt in my mind. I remember, I know there is a question with Mary's mind about that, but it is. It was us. And Steve has a check register and I'm sure we could get a document of that.
- Q. Well, all of the checks to the phone company were his checks, weren't they?
- A. Yes, it was in his name.
- Q: So, all of the payments that Mrs. Strauss made were cash payments, weren't they?
- A. Most of the time she got money orders. She made... there was twice, I believe, that she gave Steve cash. But most of the time she got money orders and mailed it to the phone company. There was a lot of times when we took her to the store to get money orders to pay her bills. She was one for a record, too. She wouldn't give us cash and have a record of it.
- Q. Were you ever present when your husband said anything to Mrs. Strauss about putting her things out on the street?
- A. No. He said... he goes, "If I wasn't a kind man, I would just throw your things out on the street. Instead, I'm going through this," when we were having problems with her. We never said we would throw her things out on the street. We said that was an option that Steve felt he could have taken, but he didn't. That was as far as it came to threatening. It was more or less we haven't done that, we wouldn't do that, but why do you make us feel like we should. This is our home.
- Q: Did he have some conversations with her when you weren't present?
- A. I don't know. I don't know.
- Q. Did you ever see him lose his temper in her presence?
- A. He's usually a calm person. I mean even in the heat of an argument he hardly raises his voice. There were times when I heard Mary much louder than I heard Steve. Steve still cares for Mary. He wasn't going to harm her. There was no intentional type of digs on Mary to go down and start screaming. Mary's a spunky lady. That was usually how she portrayed her anger, was yelling. I don't know that Steve ever went down intentionally to try to aggravate her.
- Q: Did you have discussions with him about the time that he went down and took her laundry out of the washing machine and dumped it on the floor?
- A. It was in a basket for one. But for two, Linda had been using our services, about eight loads a weekend. And that's when we asked Mary not to... we asked her not to take advantage of us by using our washer and dryer like that. Since Linda was coming over quite often during the week, I couldn't do laundry. And she'd swear



to us that she wasn't using it at all. Three or four times we were finding, you know, that the washing machine setting was off. And that one time when she said, "No, I haven't been using it," the next night we went down there and there were her clothes. She was washing laundry, thinking we were gone. We got home early. We took them out and put them in a basket and set them in front of her. We just set them in the basket in front of her. It wasn't dripping wet all over the floor.

- Q: Did you see any of the things that you're describing to me now?
- A: Did I see them...? Yes.
- Q: You were standing there?
- A: Yes, I was standing at the top of the stairs when he walked the basket in the living room where she was sitting.
- Q: When was that?
- A: A date? I don't know.
- Q: Well, I mean what...
- A: It was in the evening.
- Q: What part of the year was it, April, May?
- A: It was not long before she started the process to leave. I guess August.
- Q: Was there someone else present during the last conversations you had at the time that Mrs. Strauss was moving?
- A: My housekeeper was there once.
- Q: Who is that?
- A: Pardon me? Her name is Martha. I don't know her last name. She works for Dantis. There was one time when her granddaughter, Linda was there.
- Q: And any other of your friends?
- A: Yes, another friend of mine, Pete Butterfield, was there.
- Q: And, during the time... during this moving process when... did you ever go through any of the boxes that had been packed, belonging to Mrs. Strauss?
- A: No. No.
- Q: Did your friend, Mr. Butterfield, ever go through any of the boxes?
- A: No, I didn't have him downstairs going through Mary's things, no. He wouldn't have done that. I was with him.
- Q: Did you ever move any of her equipment or use any of her musical equipment?
- A: Musical?

- Q: Musical... playing equipment? I don't know what it is.
- A: I don't know what she even had in musical equipment.
- Q: Did she have a record player or a radio?
- A: Oh, she had a cassette player.
- Q: Did you ever use it during the time she was moving?
- A: No, I didn't.
- Q: Did anyone else in your house ever use it?
- A: During the time she was using? I don't know. Steve might have turned it on. I don't know. She... never mind.
- Q: Did either you or your husband ever go through any of her drawers?
- A: No. No.
- Q: Did anyone else, that you're aware of?
- A: No.
- Q: At one point during the summer, were some belongings of Mrs. Strauss's that had been in a storage area moved into the area where she was living?
- A: Yes. We were starting to finish the bathroom and we needed space. And we asked her to move them for two months beforehand.
- Q: And these occupied most of her free living space, didn't they?
- A: Yes, yes.
- Q: Who was doing the work in the bathroom?
- A: My husband, Steve.
- Q: Did he use a jackhammer during the course of that work?
- A: It was necessary.
- Q: Do you recall an incident in which he came down at approximately 10:30 one night and started to use the jackhammer?
- A: Yes. I know he asked her and she said, "Fine." Because she had the baby. She was baby-sitting another child during the day. And he didn't want to wake up the baby during its nap time because it's a small child. He said, "I'll do it at night when I get home." And that's when he asked her. He did ask beforehand, and she said, "Fine."
- Q: Were there some occasions when either you or Mr. Porter locked the door to the upstairs while Mrs. Strauss was a tenant?
- A: While she was a tenant or while she was there?
- Q: While she was there.

- A. There was one time, but it wasn't totally latched, but it didn't seem to matter. But the door was left open for her use. Even after we felt it was an invasion of our privacy when Linda was there and we weren't, we left it open.
- Q: So, are you telling me that you never intentionally locked...
- A. Intentionally locked the door? No.
- Q: And that your husband never did?
- A. No.
- Q: Was there one occasion when the police were called?
- A. That's what I was explaining. It must have been Aaron, because it wasn't totally locked. It was... the thing was cocked a little bit. It wasn't something that I would've done, or Steve. Steve wouldn't have locked it. This wasn't a total lock and it must have been something Aaron was playing with.
- Q: And before that time, before the court order prohibiting you from locking it, are you telling me that it had never been locked?
- A. No. It was not locked to keep her out of the upstairs. If she was gone for a weekend, we might have locked it, but not when she was there.
- Q: So, it was sometimes locked, is that correct?
- A. When she wasn't there.
- Q: Were you always aware of exactly when she came and left?
- A. She usually informed us.
- Q: And did that continue throughout the summer when there was difficulty between you?
- A. At the end, no. We hadn't... she was still working for another baby-sitter. I mean, she was baby-sitting for another child. We knew those hours. We'd see when she'd leave in the morning and when she came back. We were aware of that. But if she went out grocery shopping or whatever, we didn't know about those times she'd leave.

## CONSECUTIVE VI

- Q. Miss Case, would you please state your full name, and spell your last name for the Reporter?
- A. Janice R. Case; C-A-S-E.
- Q. Would you give us your mailing address, please?
- A. 197 Mountainview Dr., Sunnyside.
- Q. What do you do, Miss Case?
- A. I am a housewife and I have a small business that I operate.
- Q. What sort of business?
- A. Beauty salon.
- Q. Did you find yourself in Seattle the morning of October 16, 1991?
- A. Yes, I was.
- Q. Were you staying at the West Coast Motel?
- A. Yes, I was.
- Q. What room were you staying in?
- A. 229.
- Q. Look at the diagram for a moment, and indicate where you were.
- A. Our room would have been here on the left-hand side. One room in between.
- Q. Room 229?
- A. 229 was ours; 231; theirs was 233.
- Q. Were you alone?
- A. No, my husband was with me.
- Q. He's sitting in the back?
- A. He's sitting in the back.
- Q. Did you hear an unusual noise in the early morning hours?
- A. Yes, there was an argument.
- Q. Now, at the time you heard what you described as an argument, were you awake or asleep?
- A. I would say a state in-between. I had been awake a short time before, and had not drifted fully back to sleep.
- Q. You had problems?

- A. I do not sleep well when I am away from home.
- Q: Did an argument wake you up?
- A. Not really.
- Q: How would you describe what you heard?
- A. It appeared to be one man and one woman. It was a volley of words between them. It wasn't like one or two, I mean, it wasn't like calling one name, and then one name back, or something. It was a volley. His, and then a volley back, words of hers, and it was loud. It was to the point where I thought at any minute I'd be able to make out the words, but I couldn't quite.
- Q: You described his and hers.
- A. Yes.
- Q: One his and one hers?
- A. As near as I could tell, there was one his and one hers. I couldn't make anything out distinctive between the voices. It came as an argument between two people. Response back and forth.
- Q: So far as you knew, everybody was talking in English?
- A. As far as I knew, I couldn't tell.
- Q: Incidentally, Mrs. Case, do you speak English?
- A. Yes, I speak some, but I understand a lot more.
- Q: Do you feel more comfortable testifying in your own language? Is that why you are using the services of an interpreter today?
- A. That's right, because, you know, sometimes the words don't come out right when you are nervous.
- Q: And are you a little bit nervous today, Mrs. Case?
- A. Yes, a little bit.
- Q: That's OK. Now, let's go back to what you heard. As far as you knew, there were two people in the room?
- A. Right.
- Q: You said you could not hear any of the rooms... excuse me, any of the words.
- A. No, I didn't make out any words.
- Q: How long did this go on? Argument back and forth.
- A. Three minutes. It was long enough that I thought about doing something about it, you know. I mean, bang on the wall. "Do you need help in there? Calm it down."
- Q: You assumed it was in the room next to you?

- A: I assumed it was in the room next to us.
- Q: Were there two or three minutes of this kind of arguing?
- A: Yes.
- Q: What happened next?
- A: Bang. Gunshot.
- Q: Could you be sure it was a gunshot?
- A: My immediate reaction. I have no experience with guns. Immediate reaction: gunshot.
- Q: You must watch too much TV.
- A: Yes, I think there is a third reaction. I'll stay low. There may be more.
- Q: So, there was an argument back and forth. Gunshot. And then what?
- A: Then the voice was very distinctive. A woman yelled, "Look what you've done now." And she was hysterical at this point.

The next thing she yelled was, "She's hurt." And this was the first time I was really aware that there were more than two people in the room.

And at this point it was obvious to me that it was probably a black woman yelling, and she yelled, "Oh, my God, it's a murder rap for all of us. She's hurt. Let me call an ambulance."

And it was a very high-pitched, extremely hysterical voice. She repeated it over and over.

At the beginning of this, I mean, after she had spoken, maybe, two or three statements, I heard a low rumble of male voices, but I have no idea what they said.

- Q: All right. Now, at this point they were louder or something, and you were able to hear them more distinctly than before?
- A: I was probably listening more closely at this point, after this happened. You were hoping the noises go away from the...after the gunshot. Maybe husband and wife were arguing. You were trying not to get involved in it. At this point I became concerned.
- Q: You were taking action?
- A: I went to the door at this point. I started looking out at the people. I thought maybe everybody would be leaving very quickly, and I would see who left, or whatever.
- Q: Why is it you began to believe the woman's voice you heard emanated from a black woman?
- A: I...I would not say all black people, but I think many black people have a slightly different speech pattern. I don't know. I hate to say that.

## CONSECUTIVE VII

### **Accident**

- Q: Okay. Mrs. Delgado, in this accident, which occurred on the 16<sup>th</sup> of December of 1990 – I have the date correct, don't I?
- A: Yes. December 16<sup>th</sup>, yes.
- Q: Okay. It was last year?
- A: Yes.
- Q: Did you suffer any injuries?
- A: Yes, I did.
- Q: Can you describe those for me, please?
- A: I hit my head on the window, and then I had severe headaches.
- Q: Okay. You're pointing to the left side of your head?
- A: Yes.
- Q: Which window did your head hit?
- A: The passenger side window, the left window.
- Q: The passenger side window?
- A: Oh, excuse me, no. Driver's side.
- Q: Driver's side. Okay.
- A: I'm sorry.
- Q: Did you seek medical attention as a result of that?
- A: Yes, I did.
- Q: Where and when?

- A: I went and saw Dr. Galli in Selah about a week later.
- Q: Okay. On how many occasions did you see Dr. Galli?
- A: One.
- Q: What kind of doctor is Dr. Galli? Is she an M.D. or –
- A: Family doctor.
- Q: Is she a medical doctor or osteopathic doctor, or what? Do you know?
- A: Just family doctor, in general. That's all I know.
- Q: Is Dr. Galli your regular family doctor?
- A: Yes.
- Q: Okay. And what did Dr. Galli prescribe for you, if anything?
- A: She prescribed Codeine with Tylenol.
- Q: Okay. Did you take that prescription?
- A: Yes.
- Q: For how long a period of time?
- A: For about two weeks.
- Q: Did the prescription run out?
- A: Yes.
- Q: Did you ever have it refilled?
- A: No, I didn't need to.
- Q: Now, what were your complaints to Dr. Gaul?
- A: I just told her that I kept having headaches and that they just wouldn't go away and nothing seemed to be helping.
- Q: How often would you have those headaches during the period preceding your visit to Dr. Galli?
- A: I've had them, like, all day long. And then when I took the prescription, that would help.
- Q: Okay. What I want to know, before you went to see Dr. Gaul and got the prescription for Codeine and Tylenol, how often were you having these headaches?



- A: I was regular. I mean they were -- i have them like in the morning.
- Q: Okay. Do you have them each day?
- A: Yes
- Q: Before that?
- A: Yes.
- Q: You'd have them in the morning?
- A: Mainly in the morning.
- Q: Did you wake up with them or they started after you got up?
- A: Started after I got up.
- Q: And how long would they last? Again, this is before you went to see Dr. Galli.
- A: They'd last a couple -- Well, until noon. Excuse me.
- Q: What time did you get up, usually?
- A: Seven.
- Q: So they'd be from after seven until around noon, then?
- A: Right.
- Q: And what type of medication did you take at that time? Did you take like aspirin, or anything like that?
- A: Tylenol, straight Tylenol.
- Q: Just the type you buy over the counter?
- A: Yes.
- Q: Now, did the Codeine with Tylenol help?
- A: Yes.
- Q: After you saw Dr. Galli, did the headaches become less frequent and less intense?
- A: Yes.
- Q: How often would you have them after you'd gone to see Dr. Gaul?
- A: Still in the morning, right after I woke up. But they wouldn't last long.
- Q: Would you take the Codeine with Tylenol each day?
- A: Yes.
- Q: On how many occasions?
- A: I think it was four times a day.
- Q: Okay. And did you continue to take them each day, up until the prescription ran out?

- A: Yes, I did.
- Q: And what was your condition like at the completion of that two-week period during the time that you were taking the prescription? You know, how often would you have the headaches, how intense were they, how long would they last, that type of thing?
- A: I would have them, like, still in the morning, and then they'd go away around noon. They'd get lighter and lighter, you know, as time went on, they weren't so painful.
- Q: Were you improving?
- A: Yes
- Q: Did you continue to take any type of medication after the prescription ran out?
- A: I went back just to Tylenol.
- Q: And for how long a period of time did you continue to take straight Tylenol?
- A: That would be every other day, I think, or something. They'd come and go, you know, like every other day I'd feel it.
- Q: Okay. Let me ask you this: Are you still having headaches as a result of this accident?
- A: No.
- Q: Okay. How long did the headaches continue?
- A: I think at least a week later.
- Q: Would it be fair to say that after that, after the passage of that week following the completion of the prescription, taking the prescription, you were back to normal?
- A: Yes. Up until June. And then I was having problems with my -- Then the doctor said, well, I must have banged my head on something and something just didn't show up in my brain, because my eye was just -- everything was just all blurry, and then it went away. So I went through a series of tests, like a CAT scan, and hey said that I did have MS., but they thought that the bang on the head might have had something to do with it too.
- Q: Okay. Now, let me get this straight. This accident happened in mid-December?
- A: Right. And then it showed up.
- A: Okay. You go for a week taking Tylenol and having headaches, as you described. Then you go to Dr. Galli and you have a prescription from her for another two weeks. And then you go off the prescription, but you continue to have headaches off and on for another week. So we are about in mid-January, approximately, is that about right?
- A. Right.
- Q: Okay. And then you have no problems whatsoever between mid-January until June?
- A: Right.

- Q: Okay. Then in June you start having what?
- A: Eye problems. Like, my eye got blurry, my right eye did.
- Q: And you had a CAT scan?
- A: Right.
- Q: Who performed that?
- A: I had it done at the hospital by - I don't know who. But I went to Leo Briggs, he prescribed it and I had it done at the hospital.
- Q: Okay. Any other tests that you can recall in addition to the CAT scan?
- A: I had a MRI, over in Seattle.
- Q: MRI. Do you know what that is?
- A: Magnetic response imaging.
- Q: And this is for the eye problems?
- A: Right.
- Q: Did any doctor at all tell you that the problems you were experiencing with the eye--with the right eye; is that what you said?
- A: Right.
- Q: Okay. --with the right eye, was a result of this accident?
- A: They didn't say it was of the accident, but they said I must have banged my head on something, so I related it to the accident.
- Q: Now, did you say something about MS?
- A: Yes.
- Q: You have MS?
- k Yes.
- Q: Which is multiple sclerosis?
- A: Correct.
- Q: And when was that diagnosed?
- A: About the end of July.
- Q: Of 1986?
- A: Right.

## CONSECUTIVE VIII

### Drugs

- Q: Please state your name and occupation.
- A: \*\*, I work in construction.
- Q: How long have you lived in the Miami area?
- A: Since I left && through @@ That was in March of 1980.
- Q: Is it true that you have acted as a confidential informant for various government agencies since 1981?
- A: Well, I have wanted to fight delinquency in this great country that has given me freedom – I think that's my duty.
- Q: Mr. \*\* I believe that you have assisted the State Bureau of Investigation and the Drug Enforcement Administration on many occasions including this case, have you not?
- A: If I'm not mistaken, I think that there have been like twenty cases where I have cooperated with the authorities – it has been my contribution to the work they carry out against drugs.
- Q: And is it true, Mr. \*\*, that you have received certain payments from these agencies to cover expenses and that you are now in the Federal Witness Protection Program?
- A: Yes, that's true. Lately they've had to pay the expenses to move my whole family with me to another part of the country and they have covered what I am losing in income from work.
- Q: How much have you received since 1981 from state and federal agencies you have worked with?
- A: In all, it must have been \$15,000 in three years, but I earned my living in construction and I found out about many operations with drugs.
- Q: How would a construction worker get information on drug dealing?
- A: Well, you have coworkers who, in order to earn a few extra bucks, help unload great quantities of weed that are coming, and as a tip you take a few ounces of the merchandise to have fun yourself.

- Q: Did you give information to Special Agent Manny ^^ of the Drug Enforcement Administration about a cargo of marijuana coming into the Tampa, Florida area in January of this year aboard the Mariana C?
- A: Yes. It was by chance that I found out. I informed Manny, but this time I got burned and they had to get me out of Miami with the whole family.
- Q: Thank you, Mr. \*\*. Your Honor, the Government calls Mr.^^, Mr. ^^, please state your full name and occupation.
- A: Mr. ^^, I work in construction. I'm a bricklayer.
- Q: Is it true, Mr.^^, that you have been offered immunity from prosecution for testifying on behalf of the Government in this case?
- A: I was told that if I tell the truth that I won't have to end up in jail. I have a wife and four children who depend on me to eat and dress and I had never ever had problems with the police.
- Q: Well, just answer the questions, Mr. Were you arrested about 3 a.m. on January 23 last on the Manatee River south of Tampa, Florida?
- A: I, and about 20 more, was apprehended. We had finished loading the trailers with all the weed that four fishing ships had brought to the dock when the agents swooped down.
- Q: What was your involvement in the operation?
- A: Well, imagine, I was going to earn one thousand dollars for one night's work helping load merchandise. It was tremendous business and the guy who offered me the proposition was reliable.
- Q: Who exactly was it that got you to agree to help in the unloading? Did he tell you what you were going to be handling?
- A: He was my buddy \$\$\$. He works with me sometimes on the construction jobs. He came to see me to ask me if I wanted to earn one thou easy easy.
- Q: Do you see either \$\$\$ or the other man in this courtroom?
- A: \$\$\$ is right there at the table with the other defendants -he's wearing a yellow shirt - but the other one who was with him that day is sitting at the prosecutor's table, the one with the beard.
- Q: Let the record reflect that the witness has identified defendant \*\* and Special Agent of the Drug Enforcement Administration, who was working undercover in this case. Mr. \$\$\$, how many bales of marihuana were loaded on the trailer trucks that night south of Tampa?
- A: Well, see, I didn't count the bales that were coming out of those fishing boats, but the two trailers were bursting and I think that each one of them could take like 40,000 pounds. It took us six hours to take the bales off the fishing boats and get them on the trailers

- Q: Do you know where the bales of marihuana were coming from?
- A: \$ told me that a big boat was about 100 kilometers off the coast and that bales from that ship were being transferred to the fishing boats that brought them to land.
- Q: Who appeared to be the leader of the operation that you were involved in?
- A: Well, \$ was positively not it. When we were at the dock near Tampa it was another guy who was directing the thing. He was giving orders and the rest of them were saying that his name was [
- Q: Do you see him present in this courtroom today?
- A: Yes, he's the guy with the brown suit at the defendants' table. That's him.

## CONSECUTIVE IX

### **Medical**

- Q: Good morning, Mrs. XX, how are you today?
- A: Good morning, Doctor. Well, as usual, with some pain.
- Q: Well, that's what we're here to talk about, Mrs. XX, but before we get into the pain you're having right now, I want to take your medical history and talk about how the accident happened. First of all, have you ever been hospitalized?
- A: Yes, well, when I gave birth to my children, the last one was by C-section, and I was hospitalized for a week, due to complications. And then my uterus was removed because it was protracted..
- Q: Have you had any other operations or serious illnesses?
- A: Not that I remember, no. I have always had good health, before this. The other doctor had wanted to operate on my back, but I refused..
- Q: What about your immediate family? Any chronic illnesses such as heart trouble, diabetes, high blood pressure?
- A: Thank God, none. Except that my mom suffers from diabetes now, but the thing is that she is very old now. Oh, and my dad died years ago and I think it was something about his heart, we never knew.
- Q: Anyone in the family have cancer?
- A: No, thank God, nobody.
- Q: Now let's talk about the accident. According to the medical file here, you slipped and fell on July 12 of last year. Tell me how it happened.
- A: Well, actually, I don't know how it happened. I was just doing some shopping, not the whole grocery shopping but some little things, and I think the floor was wet at the store, because Fm told I slipped. I don't know, when I came to, I was stretched out on the floor.
- Q: How did you land when you fell?
- A: Well, my foot went out from under me, and I fell like this, on my rear end, with my foot pushed out like this.
- Q: So you lost consciousness, you blacked out?
- A: Maybe I fainted, I don't know, and then when I was helped to my feet, I felt a little out of it, nauseated, I think it was because of the scare.
- Q: Did you feel any pain right away?
- A: Well, the first thing I felt was the nausea. And then, a few minutes later, I started feeling a severe pain in my back. And this has never left me up to now, never.

- Q: Did you feel pain anywhere else?
- A: A little in my left foot, here, and a very strong headache. I even had buzzing in my ears and my vision was blurred.
- Q: Any other pain or discomfort?
- A: No, I think that was all for the time being.
- Q: Now we'll talk about your present symptoms. Describe the pain you have now --is it a dull ache, a sharp pain, is it constant, or does it come and go?
- A: Well, what bothers me the most is the lower back pain, a very severe pain that doesn't go away, day and night. It even wakes me up at night, and I have to get up and walk around a little bit to ease the pain.
- Q: Does the pain remain in your lower back, or does it travel to some other location?
- A: Sometimes it runs up my body, to my brain. Also, when the pain is very severe, it runs down my body, to this point here.
- Q: What about your left leg? Do you ever limp, or does your knee ever lock or buckle on you?
- A: No, only the pain. When it hurts a lot, I feel like I don't have any strength in this foot, but I don't have any problems with my knee.
- Q: Do you have any trouble kneeling or squatting?
- A: Oh, yes, the thing is it doesn't bother when I get down, but I can't stay in that position for a long time, and when I try to stand up, I can't. I have to lean on something and I struggle a lot to get up..
- Q: What about prolonged standing or sitting? Do they bother you or cause you any discomfort?
- A: Yes, I can't remain seated or standing for a long time. I have to wiggle like this so I'm not in the same position for a long time.
- Q: What about sudden, jarring movements?
- A: Oh, yes, I have to be very careful not to hurt myself when I turn around, for example. When I misstep, or when I cough or sneeze, I feel a very bad pain here.
- Q: What about when you go to the bathroom? Any pain on urination, or with bowel movements?
- A: When I strain, when I'm a little constipated, it does hurt me. Not to urinate. But when I get my period it hurts more. And when I'm with my husband, it is also very, very painful in my back.
- Q: When you walk around, does that relieve the pain or make it feel worse?
- A: Well, it depends how much I walk. Sometimes, I go out for a walk a little, just a few blocks, to ease the pain, because I can't handle sitting for a long time, but



when we go out to do the grocery shopping, for example, after walking through the whole store, I 'm very tired when I return and I have to go to bed.

- Q: Do you have any numbness or tingling, or any other odd sensation?
- A: Yes, sometimes my feet go to sleep, and then I feel some tingling also. And on my lower back itself I feel like a sharp pain and it stings. When that happens, it causes such a bad pain that I can't even walk.
- Q: Is there any stiffness or weakness in your back?
- A: No, only the pain.
- Q: Do you have any clicking, popping, grating or any other odd sensations in your back or anywhere else?
- A: Yes, see, doctor, when that very severe pain hits me, I double up like this and this little bone here pops, and then the pain eases. Why could that be?
- Q: I don't know, I have to see your X-rays before I could make a judgment on that. Does anything else relieve the pain, such as heat, for example?
- Q: Yes, the therapist told me to take hot water baths, and that helps. But as soon as I get out of the tub, the pain returns.
- Q: Does cold or damp weather make it feel any worse?
- A: Oh, yes. During those very cold days we've had lately, it was very painful.
- Q: Do you have any swelling or tenderness anywhere? Is your back sensitive to the touch?
- A: Well, no, except that it gets swollen when I do a lot of exercise, like when I do the house chores.
- Q: What activities make the pain worse?
- A: At home, anything I do bent over hurts. Washing dishes, mopping, sweeping, making the beds, everything. Sometimes my daughter helps me, but when she's not around, well, no big deal; I have to do it by myself.
- Q: When you rest during the day, do you actually go to bed, or just lie down for a while?
- A: I don't lie down for a long time, because I can't get comfortable in bed, either. The thing is that any position makes it hurt, the pain is constant. It doesn't go away at all.
- Q: Is walking on uneven ground worse than walking on flat ground or pavement?
- A: Oh, yes, we used to go out and pick nuts on weekends, but now I can't because I'm afraid that I might step in a hole in the field and fall again.
- Q: Do you ever wear a back support or brace of any kind, or a cane?

- A: The chiropractor prescribed a support, but it hurts more when I wear it. He also told me to use a cane, and I use that when I go out.
- Q: I'd like to examine you now. Please go to the examining room with the nurse, and she'll show you how to put on the gown. I'll be right with you.
- A: Yes, doctor, excuse me.

## Consecutive – X

### Domestic dispute

- Q: Mr. Sheagley, when did you first come in contact with Aileen Sasser?
- A: It would have been just about a little over three years ago.
- Q: How did you happen to come in contact with her?
- A: A friend – we were looking for a baby sitter and a friend knew of her through another friend and we called her and talked to her at that point
- Q: Did you arrange for her to care for your child?
- A: Yes.
- Q: How did that work?
- A: Well, we took our little boy to her house every day. My wife worked. And it worked, you know, fine. We took him over there and picked him up.
- Q: How old was he when this started?
- A: It started about when he was about eight weeks.
- Q: Did you ever leave him overnight with her?
- A: Yes.
- Q: Did the care that she was providing appear to be satisfactory to you, did you have any problems with it?
- A: We had a couple of problems, but, obviously, it was satisfactory or we still wouldn't have been using her.
- Q: When did you stop taking the child to her house?
- A: A year ago Easter we moved her into the basement of our house.
- Q: How did that happen?
- A: Her grandson packed up and walked out on her and she had no idea where she was going to go or what she was going to do. So, we talked to her about it and we said we could fix up the basement to a certain extent and she could stay down there and we'll trade the space for watching Erin while Connie's at work.
- Q: It was your suggestion that she move in with you, is that correct?
- A: Yes
- Q: And at that point you were quite satisfied with the care she was providing for your son, is that correct?
- A: Well, at that point, yes. We wouldn't have gone through the expense and trouble of moving her in if we were unhappy with it.
- Q: Now, did you have a conversation with her about what would be expected of you and what would be expected of her when she moved in?

- A: Yes, we had conversations about a lot of things. Number one, her taking care of her responsibilities as far as something happening to her, if she got ill, if she were to die. She's an elderly lady. We wanted to know that her papers and final things were in order.
- Q: And did you satisfy yourself that they were?
- A: No, she never did do it. I even tried to get her in touch with Tom so that Tom could do things for her, but she said that she could get free help through the elderly – senior citizens.
- Q: What kind of papers are you talking about?
- A: Well...
- Q: I'm not sure I understand.
- A: – her family is – I mean at that point when something happened she contacted her daughter and her daughter didn't want to take care of her. I'm going back to the point when her grandson left and we decided to move her into our house. At that point her daughter didn't want to take her and it seemed like, you know, she didn't have any place to go. Her family's not very close. So, we felt that if she was going to live in our place, then we should know what to expect or what to do if something did happen. We didn't want to take responsibility because we didn't know what we should have to do or take care of her medically, or whatever.
- Q: You didn't want to adopt her, you just wanted to employ her?
- A: Right.
- Q: Has she been sick during this time and called on you for support?
- A: She had a bad cold once, that I can remember. You know, she stayed in bed and didn't feel well for one day or two days or something.
- Q: Did you have any discussion about – let me ask you, did you make the arrangements with her or did your wife, or the both of you?
- A: My wife and I discussed it and, you know, I don't exactly recall, but I think both of us were present or at least I was present. It was something that Connie and I agreed on mutually.
- Q: Did you say what you expected of her in terms of hours of work and what she was, in effect, paid?
- A: What we expected is – first of all, we knew her schedule. She was always gone on weekends. She had another baby-sitting job. She left early Saturday morning and came back late Sunday evening. So, we knew she wouldn't be there on weekends. What we were concerned about is the hours my wife works during the week, which is 3:00 in the afternoon to when I come home, which is about 6:00 in the evening.

So, Monday through Friday, that's what we expected of her. And if she was available on weekends or any other time, you know, we could go to her first instead of going to somebody else.

- Q: Did you make any — come to an understanding about a rough number of hours per month that she would work?
- A: Well, what we did was based upon what we had been paying her, which was around fifty or sixty dollars a week at \$2 an hour. And all L did was say, you know, in other words, we'll continue paying you that except we will just trade it out for a place to live. So, that's approximately \$200 a month, but \$50 — well, averagely, we pay her between fifty and sixty dollars a week.
- Q: During the time that she's lived there, have you paid her in cash for the child care that she's provided or have you thought of yourself as paying her by providing her a room?
- A: Within the first six weeks, I gave her an additional \$40 because, you know, we kept track of the hours basically and we felt that we had used her a little bit more than the \$200 type trade.

After that point we used her less and less and when my wife was either not working, on vacation, or I was home in the wintertime, because I have an outdoor business. If we didn't take him down there, you know, it balanced out — it didn't really balance out. A lot of times we didn't use her for the total, say \$200 worth a month.

- Q: Did you keep written records of the time involved?
- A: Yes
- Q: And where are those records?
- A: At home on a calendar. We didn't keep everyday, but, you know, most of the time we'd write down the time. First of all, it became some complaints about how much we were using her, and then we really started writing them down.
- Q: Do you know whether or not she kept records?
- A: Oh, yes, she kept a book. She keeps records.
- Q: And did you ever dispute any claim that she made about how many hours she'd spent?
- A: Not until the day that I asked her — told her that we were going to make some changes and put Erin in a day care.
- Q: When was that?

A: It was three months ago. It was right toward the end of April or March. March. Right at the end of March. We started Erin in day care and then the next day, which was Sunday, we had this discussion. Monday morning we started Erin in day care. I don't know if I really answered the question.

At that point we did discuss -- she felt that we owed her at that point approximately \$75, I think is what she -- as far as hours. Our records show that we weren't even using her close to the hundred hours a month because we -- normally, he didn't go downstairs until, say, between 1:00 and 2:00 in the afternoon. That's when my wife goes to work. And nine out of ten times from home by 6:00 in the evening. So, four hours a day did not total up, you know. And also the times that my wife would take two weeks off for vacation, she didn't take him down. But at that point she was saying that we did owe her approximately \$75.

**CONSECUTIVE XI**  
**Immigration**

Q: Witness, I am the Assistant United States Attorney in charge of this case. I will ask you some questions which will be translated by the interpreter. If you do not understand any of my questions, feel free to tell me and I will rephrase them.

A: Very well.

Q: Please state your name for the record.

A: XX.

Q: Mr. XX, of what country are you a citizen?

A: I am ??.

Q: Did you enter the United States on February 12, 1986?

A: Yes, Ma'm.

Q: Please tell the Court and the jury how and where you entered the United States.

A: We came in through ??.

Q: When you say we, who are you referring to?

A: Well, I and eight others who arrived together.

Q: Did you enter the United States through a port of entry?

A: No, we crossed the fence through a spot there that's far from the checkpoint.

Q: Did you have any document from the authorities that gave you permission to enter the United States?

A: No. I knew it was the wrong thing to do.

Q: Mr. XX, I now ask you to look around the courtroom and see whether you recognize anyone here who you saw that day when you crossed the border.

A: Yes, it's that one over there, the one in the gray shirt was one of the guys who drove the truck.

Q: When you say he was driving the truck, what do you mean? Tell us what happened once you crossed the fence.

- A: Well, he was there, and he was telling us, "Come on, come on, hurry up, because Immigration is gonna get us."
- Q: Had you met that man before?
- A: I just met him right there, he was the one who led us to the truck. He told us to get down in the back part and not to make any noise.
- Q: How did you know that he would be there waiting for you?
- A: Well, the other man who stayed in \*\* told us everything was taken care of, and that someone would be waiting for us to take us to ??.
- Q: What is the name of the man in\*\*?
- A: Oh, well, I don't know it. He was my buddy's friend, and he be the one who made the arrangements to bring us here.
- Q: How much did you pay to be brought to the United States?
- A: We were going to pay two hundred once we got work.
- Q: Who were you going to pay that money to?
- A: See, I don't know that. I guess this man, 'cause he was taking care of everything and he said he could collect later. He was in a big hurry for us to get out of there.
- Q: Once you all got into the truck, what else happened?
- A: Right after that, we started moving and like a half hour later the police nab us, near here. They took us to a place where they asked us for information and they told me that once I told them the whole truth they would take me back.
- Q: To sum up, Mr. XX, you met a man whose name you don't know in \*\*, he made the arrangements for you and your friends to cross over to the United States, where there would be someone who would bring you to ??, right?
- A: Yes, that man, the one in the gray shirt.
- Q: Right. You were supposed to pay him two hundred dollars once you started working, is that correct?
- A: Well, that's what we were told.
- Q: Once you crossed the fence he was there waiting for you and he led you to a truck, right?
- A: Yes.
- Q: Was he driving the truck?



- A: I already told you. He was the one who took us to the truck, he was in a great hurry.
- Q: One last question, Mr. XX, did you know that what you did was against the law, that you had no permission to enter the United States?
- A: Yes. I wanted to get a job and bring my eight children here.
- Q: Thank you, Mr. Gallegos, no further questions.

**CONSECUTIVE XII**  
**Weapons**

- Q: Could you identify yourself for the record, please?
- A: My name is XX.
- Q: Mr. XX, how are you employed??
- A: I work with the federal agents.
- Q: In what capacity?
- A: Well, I help them when they have to do some type of investigation about arms trafficking here in New York. They always call me.
- Q: Are you a Federal Agent, Mr. XX?
- A: No, no, I'm not an agent but I do work with them.
- Q: Mr. XX, please tell us exactly what is the nature of the work you do with the Federal Agents. Are you a contact person? Are you an interpreter?
- A: No, I'm not an interpreter. But what happens is that I have many contacts in the street. That's why, when the agents are looking for a guy, they can always come to me because they know that I know the neighborhood and I can help them.
- Q: I see. Well, Mr. XX, I want you to cast your mind back to the month of October of last year. Were you involved in any type of investigation with the Federal Agents?
- A: In October of last year?
- Q: Yes, in October.
- A: Yeah, yeah, I had a case in October.
- Q: You say a "case", what exactly was the nature of this case in which you were involved in October of last year?
- A: Well, the thing was that the agents called me 'cause they were after this guy who they suspected of being an arms dealer.
- Q: Now, Mr. XX, how were you involved in the investigation? What role did you play, exactly?

- A: I served as a go-between so that the agents could grab him, as they say, red-handed.
- Q: The individual who was the subject of the investigation, the one whom the Federal Agents were after, do you see him in the courtroom today?
- A: Yes. It's that man sitting at the table over there. Not the one with the beard. The other one, the one with the gray jacket, with the glasses.
- Q: Do you know his name?
- A: Well, they call him [[nickname]], but that is not his name. His name is YY.0.: How did you know Mr. YY?
- A: Everybody knows him in the neighborhood. Besides, I know him from my country because he's my uncle's buddy.
- Q: How long would you say you have known Mr. YY?
- A: He and I have known each other for a long time. Even when I came to New York, my uncle gave me his address for me to get in touch with him
- Q: Why was that, Mr. XX?
- A: Because he was well established here. He had a store, a grocery store in Jackson Heights called [[name]]. My uncle thought that [[ the nickname]] could orientate me here, or may be give me some work. Since he had his own business...
- Q: I see. well, Mr. XX, when the agents asked you to work on this case, what did you do first? How did you contact Mr. YY?
- A: I went to the grocery store and I told him that there was someone interested in the merchandise in the basement and that if he wanted, I could get him in touch with the buyer.
- Q: Wasn't the defendant surprised when you approached him about this so-called "merchandise"?
- A: No, no way. Everybody knew perfectly well that he was the strongman in matters of arms.
- Q: How was it that everyone knew this?
- A: Well, because. He is a chatterbox kind of guy. Besides, he lives very well and everybody knows that his store doesn't cover the luxuries he allows himself.
- Q: Now, when you spoke to the defendant about the sale, did you discuss a time and place for the meeting?
- A: He asked me when they might want to see the merchandise. I told him Friday afternoon, after he closed the grocery store, at eleven.
- Q: Was he amenable to this?

- A: Yes, he told me that was convenient because he was expecting a shipment of oranges from Florida on Thursday. He told me we had to go on Friday without fail because oranges rot very fast.
- Q: When you say oranges, are you referring to the weapons?
- A: Yes, of course.
- Q: Who used the word "oranges", Mr. YY or you?
- A: It was him, it was him.
- Q: Why did he use that word?
- A: Well, he didn't want the others to realize what was going on and also because he bought weapons in Florida.
- Q: Oh, I see, so when you approached him about the deal there were other people present in the store?
- A: Yes, there was a lady paying for her groceries and a boy who works there making home deliveries.
- Q: Well, when you got to the bodega on Friday night ... By the way, do you know on what date this meeting took place between you and Mr. YY?
- A: Yes, that Friday fell on the 8th. of October.
- Q: October 8. Well, when you got to the bodega on the night of October 8 at 11 pm, what happened?
- A: We arrived a little bit before eleven, agent Murphy and I. We had to wait a little bit, because XX was helping a lady with some provisions. Then, when she left, I introduced Tony to him.
- Q: When you say Tony, are you referring to Special Agent Murphy?
- A: Yes. That's the name we made up so that it would look good. I had told YY that the guy, I mean, the client, was from Chicago and that his name was Tony.
- Q: I see. Now, what happened after you went to the basement?
- A: We went down the wooden stairs, feeling our way because there was no light. When we got down, YY turned on a light bulb and he opened a wooden box that was on a table in the middle of the basement.
- Q: Could you see the contents of the box at this time?
- A: The box was overflowing with sawdust, but when Mr. YY moved it to one side, they were in there.
- Q: What was inside?
- A: Well, the weapons.
- Q: What type of weapons were inside the box, if you know?
- A: Well, there were some that are called AR 15.

- Q: Were there any other types of weapons aside from the AR 15's that you have mentioned?
- A: Yes, but not in that box.
- Q: Go on. What happened next?
- A: Tony, agent Murphy, so to speak, checked the weapons.
- Q: By the way, how many weapons were there in the box? If you know.
- A: Really can't tell you that, but I know there were a lot.
- Q: You say that Special Agent Murphy examined the weapons, what if anything did he find?
- A: Well, Murphy checked several and then told Mr. YY that the merchandise was not in perfect condition because some weapons were not working.
- Q: What was wrong with the malfunctioning weapons?
- A: Several of them were missing the slide.
- Q: What exactly is the slide, Mr. XX?
- A: As I understand it, the slide is the part in the weapon that contains the firing pin. So, when you cock the weapon, the slide recedes and advances to pick up the cartridge placing it in the chamber. Then it also extracts the cartridge once the gun has been fired.
- Q: Now, Mr. XX, do you know what the term "caliber" means?
- A: The caliber of a gun is the measurement of the bullet's diameter in millimeters.
- Q: Now, do you know what caliber these particular weapons were? I mean the ones in the box.
- A: Yes, they were all caliber .23
- Q: Now, Mr. XX, I believe you stated that you and Special Agent Murphy were shown another shipment of weapons which were different from those in the box?
- A: Yes, there was another wooden box next to the table. This one contained machine-guns of the M-60 type.
- Q: What type of weapon is the M-60, Mr. XX.
- A: The M-60 is a heavy weapon that you mount on a tripod. The bullets for this weapon are not found in a clip, but they go inside the weapon by means of a belt.
- Q: Now, were you and agent Murphy shown any ammunition for these weapons?
- A: Yes, of course. There were bands of caliber 308 cartridges for the machine-guns.
- Q: What about for the AR 15's? Did you see any ammunition for these weapons?
- A: I don't know if YY had any ammunition for the other weapons because, in fact, we never got to discuss those.
- Q: Thank you, Mr. YY. I have no further questions for this witness, Your Honor.

### CONSECUTIVE XIII

- Q: Was there any other dispute at that point about the care that she was providing?
- A: Well, we complained basically about her giving him so many sweets, number one. And the other thing is that she would never take him out of the basement. We have a back yard with a swing set and a deck, and she never left her chair in front of the T.V. and something you come to realize when your son is three instead of one and a half, that he needs a little more than watching T.V. all day.
- Q: When did you first raise these two criticisms of her?
- A: I think my wife had mentioned about the sweets. She asked Mary not to give Erin M and M's like a treat, and she switched and started giving him a thing called Bon Bon's, which is an ice cream.
- Q: And approximately when was that?
- A: I really don't know.
- Q: Now, you made some reference earlier to fixing up the basement. What did you mean by that?
- A: Well, the basement, when I started, was nothing but cement walls and an old tile floor. So, I insulated the walls and framed it out and sheet-rocked it and painted it and ran electricity and put in commercial carpeting.
- Q: Was this before she moved in or after?
- A: I had all of that done before she moved in. And what I was doing in the process-- I put a kitchen in, which, you know, I didn't get totally completed. And I was in the process --
- Q: What did you get completed of it?
- A: It has everything except the carpet in, and all I have to do is hook up the water.
- Q: Does it have a stove?
- A: I would have to put the stove in.
- Q: Okay. Now, did you say anything about putting a bathroom in?
- A: I did tell her I would try to put a bathroom in and she basically said, "I could come upstairs until you get it in."
- Q: And was there some mention at around Easter time when you talked with her about moving in or getting it in about July?
- A: Well, that was my plan. We were also in the process of refinancing our house, and that's where the money was to come from. We started on that in February and in March we finally got it refinanced to February of next year. I didn't have the funds.
- Q: But there was some mention of that?

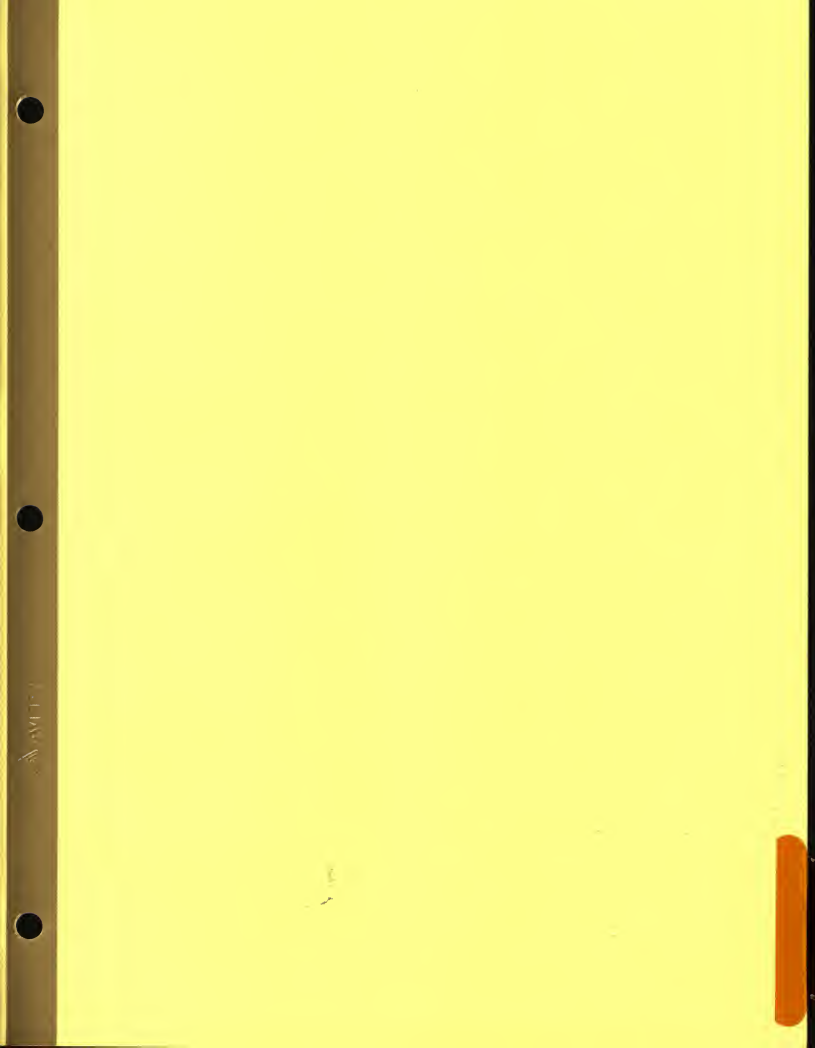
- A: Yes, we did mention it. And I have a lot of the stuff down -- you know, the plumbing in and a lot of stuff down there. I just never got it completed.
- Q: There isn't, for example, a toilet, is that correct?
- A: Not downstairs where she's at, no.
- Q: Okay. Could you describe for me what her living area is like now in its current state?
- A: It's a large room that's approximately 450 square feet. I take that back, it's 15 by probably 550 square feet.
- Q: Is it divided?
- A: It's divided from the unfinished part of the basement, yes.
- Q: By what?
- A: By walls.
- Q: And is it open to anyone coming down the stairs from the upstairs?
- A: Her living area is around the corner. If we go downstairs to do the laundry, we don't see her. I imagine she would hear us coming down the stairs, but she *does* not see us and we do not see her. She's been very comfortable there. And it's a space that I told her to look at before she made her decision to move in. That was one of the things I told her, "Maybe you would be better off someplace else."
- Q: When you say she's been very comfortable there --
- A: She's told me. She's said, "I'm very comfortable with it".
- Q: And what about the phone, what was the understanding about the phone?
- A: When she moved in, I told her I would run a second line into the house. So, she had her own private phone and number and line. And in doing that, I told her I would pay for the line and the installation and she just takes care of her monthly phone bill. Because I said, "One day when you're gone, I want the second phone line in the house anyway. That's my responsibility."
- Q: When did you have the phone disconnected?
- A: We talked to her about moving at the end of March. I think it was May 17.
- Q: And why did you do it?
- A: When she first moved into our basement, her old landlord made four or five trips to our house to try to collect the rent she didn't pay him. Also, the phone company was threatening to sue her because her and her grandson owed them \$150, the phone company. She claimed it was Robert's responsibility and he claimed it was hers. We had given her over a month to look for a place. I didn't want to get stuck with the bill, which it looks like I have anyway.
- Q: Did you ever give her written notice asking her to leave?

- A: Yes.
- Q: About two weeks ago, and today's date is June 26, did you lock the door between the upstairs and the downstairs?
- A: I told Mary we had several things missing from the house.
- Q: Excuse me. About two weeks ago, did you lock the door?
- A: I locked the door during the period when Mary was not home.
- Q: And are you asserting that it was always unlocked when she was at home?
- A: It was unlocked in the evening and unlocked all night until the next morning.
- Q: But during the days it was locked?
- A: During the day when she is gone babysitting, it was locked.
- Q: Before you locked the door, did you have any conversation with her about it?
- A: Yes
- Q: And what was that conversation?
- A: I told her we had several things missing from the house and I was going to lock the basement door while she was gone during the day and I would unlock it when I came home.
- Q: What's been missing?
- A: Our 35 millimeter camera, telephoto lens, a pair of fingerless black gloves of my wife's, a bottle of cologne, and a silver dollar that my wife's mother had given her before she passed away. Also, there was a ring that we haven't been able to find.
- Q: Do you believe that she stole these things?
- A: I'm not saying Mary did. Her granddaughter is there. Her granddaughter has access to our house and she had a key to our house.
- Q: Who had a key to your house?
- A: Mary -- or Aileen Sa granddaughter. We had a problem a year ago February with Linda's son stealing stuff there and we caught him and there was quite a commotion about it. And to our knowledge, she has not been back to the house since. We feel that maybe Linda might have done it out of spite or something. Actually, I do not -- deep down, do not feel that Mary did it, OK?
- Q: Deep down, do you believe that Linda did it.
- A: Yes. All the problems that have arisen have been due to her.
- Q: What problems are you talking about?
- A: Well, we had a problem with them doing laundry at our house. And every time I had to mention something about it, we got into a big problem. I told Mary she could do all the laundry she needed to, but Linda was doing a cleaning service and bringing everybody's laundry over there and doing 10 or 12 loads a week.



- Q: When was that?
- A: Basically, almost ever since Mary's been there. We finally got a stop to it, you know, six or seven months ago.
- Q.: Aside from doing laundry, is there anything else specifically that Linda did that you can put your finger on?
- A: Well, constantly being there and spending the night, all weekend, or staying there, you know, three or four days, bringing two dogs that crapped and peed all over the basement and the back yard and things like that. It became -- when you invite one person and you end up with three and two dogs, that's a different story.
- Q: Do you think she was upset when you told her -- Ms. Sasser-- she had to be gone by July 1?
- A: I don't think she was as upset as she was trying to come back at me for different things. She didn't seem upset.
- Q: Do you think that she's been upset by this whole conflict between her, you and your wife?
- A: I'm sure that it has upset her. I think the fact that she has to move has upset her. I think, when all of this started, I approached Linda, who was at the house, and asked her what Mary's health was, how she was feeling, what kind of mood she was in, because then I told her that we were putting Erin in day care and we were considering asking Mary to find another place to live. I asked Linda to find out how she was feeling before I did that. I didn't want to just throw it on her. And Linda immediately went down and threw it on her, and that's when this all started. So, I think -- you know, I've tried to watch out because she's elderly, I've tried not to shock her and I've tried to make it as easy as I can that it's a decision that we made.







# **SIMULTANEOUS INTERPRETATION**

- **Introduction to Simultaneous Interpretation**
- **Exercises: Simultaneous Interpretation**
- **Exercises: Practice Scripts**
  - **Arraignment #1**
  - **Arraignment #2**
  - **Arraignment #2 continued**
  - **Dialog Preceding Closing Statement**
  - **Closing Statement**
- **Glossaries for Tapes**
- **Suggested Skill-Enhancing Exercises**
  - **Shadowing**
  - **Dual Tasking**
  - **Analytical Listening**



## INTRODUCTION TO SIMULTANEOUS INTERPRETING

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**Simultaneous interpreting** is used when relating court proceedings to defendants. The interpreter gives an exact rendition of everything being said at virtually the same time it is being spoken. Thus, interpreters should speak in a soft voice for the benefit of the defendant only, and should neither summarize, simplify, nor explain the proceedings.

This interpretation relies on how well the interpreter understands a message. This requires *intellectual listening* – that is, *listening for ideas*. Therefore, the interpreter makes instantaneous decisions about which ideas are central and which are supporting or minor. It takes practice to develop the concentration, listening skills, analytical skills, and proficiency in dual tasking that simultaneous interpretation requires.

This session is designed to give you practice in simultaneous interpretation skills. Because immediate feedback will hone your skills, you should practice these as often as possible with others.



## EXERCISES

### *Simultaneous Interpretation*

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**Directions:** One partner reads the passage (not too fast). The other repeats it word-for-word, as close to the same time. Switch roles.

These paragraphs are intended to include misdirecting phrases, homonyms, and words with multiple meanings. Pay attention – do not jump to conclusions about what will be said.

1. This hearing is called an arraignment. You are being charged with a crime. I am advising you of your rights. You have the right to a lawyer. You have the right to buy lotto tickets. If you win, you will not be entitled to a public defender. You will be entitled to a red convertible. You have the right to have a trial. At your trial, if you want to, you can testify and tell your side of things, but you might not want to spill your guts, so you can decide to just sit there and rest on your laurels, rest your case and cite the authorities for your position, even if it is untenable, or play tennis, or quote Tennyson.
2. Do you understand that if you plead guilty you are giving up your right to have a trial? You can be sentenced up to 10 years, but the standard range is 4 to 6 months. If you hear that she is here, we can go to the store and buy some potatoes. Then you can appeal to the court of last resort, and the resort is at Lake Chelan. The challenge to change the tone and meaning of this passage is one that can be seen by any literary critic writing for the Seattle Times, published in Volume 1, number 128.



## EXERCISES: *Practice Scripts*

**Directions:** One partner reads this script, both the question and answer, and another partner repeats it simultaneously, exactly as it was read. You do not need to identify who is speaking, just pause briefly between speakers. Repeat, only this time, interpret the script into the target language.

Repeat with the next script, being sure to switch roles. Pay attention to accuracy, inflection and tone.

### Script #1 – Arraignment

Judge: The first matter on the calendar today is State v. Garcia. Is Garcia your true and correct name?

Def: It is.

Judge: Mr. Garcia, you are being charged with the crime of a violation of the uniform controlled substance act. You are here today to receive copy of the Information and enter a plea. Do you understand the charge?

Def: Yes.

Judge: Do you understand the rights that were read to you earlier?

Def: Yes.

Judge: Will you be entering a plea of guilty or not guilty today?

Def: Guilty. I just want to get this over with.

Judge: Mr. Garcia, you are not represented by counsel at this arraignment. Is your waiver voluntary, competently made, and with knowledge of the consequences?

Def: What? Oh, yes.

Judge: Mr. Garcia, do you wish to hear the Information read?

Def: No.

Judge: How do you wish to plead?

Def: guilty.

Judge: Guilty it is.



## EXERCISES: *Practice Scripts*

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**Directions:** Again, the other partner reads each passage, and the first partner repeats it simultaneously, exactly as it was read. You do not need to identify who is speaking, just pause briefly between speakers. Repeat, only this time, interpret the script into the target language. Pay attention to accuracy, inflection and tone.

### Script # 2 – Arraignment

Pros: Your honor, James Trinh on behalf of the State, for the arraignment calendar today.

Def: Good morning, your Honor, Joanne Moore for the public defenders office.

Pros: Your Honor, the first matter on the calendar today is State v. Garcia.

Judge: Is Garcia your true and correct name?

Garcia: It is.

Judge: Mr. Garcia, you are being charged with the crime of a violation of the uniform controlled substance act. I am handing your attorney a copy of the Information and ask that she acknowledge receipt thereof, waive formal reading and enter a plea on your behalf.

Def: Your Honor, on behalf of Mr. Garcia, I acknowledge receipt of the Information, waive formal reading and ask the Court to enter a plea of not guilty.

Judge: A plea of not guilty is entered on behalf of the defendant.

Def: Your Honor, I also object to the date of arraignment and file written notice of that objection.

Judge: Objection noted, counsel.



## EXERCISES: *Practice Scripts*

**Directions:** With all following script, one partner reads each passage, and the first partner INTERPRETS it simultaneously into the target language. You do not need to identify who is speaking, just pause briefly between speakers. Pay attention to accuracy, inflection and tone.

### Script #2 - Arraignment – Continued

**Def:** As to the matter of bail, your Honor, I would note that according to Court Services, Mr. Garcia's residence and employment have been confirmed. He has resided in the City of Seattle for nine years and has several family members who live in the area. Although he does have a few prior misdemeanor convictions, he has only one FTA, or failure to appear. Mr. Garcia advises me that the FTA resulted from a driving while suspended charge where he had moved and failed to receive the notice to appear in court. He assures me and the Court that if he is released on this charge he will fulfill all of his court obligations. I ask that he be released on his personal recognizance.

**Pros:** Your Honor, the amount of drugs seized in this incident was fairly large and there is some suggestion that the defendant has a drug problem which could provide some incentive to flee and would affect his reliability. I would ask the Court to set a surety bond of \$5,000.

**Judge:** I am concerned about the apparent drug problem. If Court Services will consider supervising him, I'll P.R. him.

**Def:** Your Honor, Court Services is already overwhelmed. It could take days before they could interview him for supervised release. In that time he'll lose his job. He does have a wife and two children for whom he is the sole support. They are in court if the Court would like to hear from them. They will vouch for his reliability. And as I mentioned, Court Services has already said they do not object to a P.R.

**Judge:** Well, counsel, I am inclined to release him unless there are other considerations.

**Pros:** Would the Court consider an appearance bond of \$5,000. I'm simply reluctant to allow the man out with no conditions.

**Judge:** I'm going to P.R. Mr. Garcia on the condition that he maintain his current address and employment, stay in contact with his attorney and submit weekly UAs, urinalysis at TASC.

**Def:** Thank you, your Honor.



## EXERCISES: *Practice Scripts*

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**Directions:** With all following script, one partner reads each passage, and the first partner INTERPRETS it simultaneously into the target language. You do not need to identify who is speaking, just pause briefly between speakers. Pay attention to accuracy, inflection and tone.

### Dialog Preceding Closing Statement

- Court: Anything further with respect to evidence?
- DA: Just a few more questions on cross, Your Honor.
- Officer Delmonico, you used a term in your explanation, in your testimony, "high narcotics area." What did you mean by that?
- Officer: There's a lot of traffic that goes down to purchase narcotics from street dealers in that area.
- DA: But you haven't personally observed that area, isn't that right?
- Officer: Well, yes, I've been on a foot beat down there for, at that point, about a year.
- DA: Is it usual for you and your partner to exit the car and draw your weapons?
- Pros: Objection, your Honor. It's irrelevant whether or not it's usual.
- Court: I'll sustain that objection. Anything more?
- DA: No, your Honor. I'm finished with this witness.
- Court: If not, we'll proceed with the prosecutor's closing statement.



## EXERCISES: *Practice Scripts*

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**Directions:** With all following script, one partner reads, and the first partner INTERPRETS it simultaneously into the target language. Pay attention to accuracy, inflection and tone.

### **Closing Statement**

Defense counsel has come before you and tried to cast doubt on a certain piece of evidence. But, the defendant himself told you that he did not know any one of these people. And yet, you will have with you in the jury room five different photo montages where witnesses chose the defendant's photograph. And you have the identifications that were made in court. If these people don't know the defendant, how come they recognize him? Why do they recognize him if he's never been in their businesses?

Because he was there on the night of these robberies and when you think about those things, you can honestly say deep down inside that you don't believe that the defendant committed these crimes? Further, the defendant can be tied by circumstantial evidence to these separate counts, and to the sunglasses. Can you honestly say that when you consider the circumstantial evidence, plus the identifications made, that this guy didn't commit these crimes?

### Simultaneous Interpreting Recordings – Audio-Cassettes

No.	Wpm	Subject matter	Duration
1	120	(shadowing)	11 min.
2	80	Direct Examination	7 min.
3	100	Opening	10 min.
4	100	Closing	8 min.
5	120	Direct Examination	14 min.
6	120	Direct Examination cont.	19 min.
7	120	Forensic Expert Testimony	7 min.
8	120	Instructions to Jury, I	11 min.
9	120	Instructions to Jury, II	11 min.
10	120	Opening	8 min.
12	140	Pre-Trial Motion	12 min.
13	140	Pre-Trial Motion cont.	11 min.
14	140	Dissolution	14 min.
15	140	Dissolution cont.	12 min.
17	140	US Indictment	26 min.
18	160	Direct Examination	16 min.



## GLOSSARIES FOR TAPES

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**Directions:** Listen to the tapes, in class and at home, and simultaneously interpret what is said. The glossaries list some of the common or the more unusual terms, words and phrases you will hear. If you do not know their meaning or translation, look them up in the dictionary.

### Tape 1

Deputy Prosecuting Attorney  
Plaintiff  
Vehicular homicide  
Count  
Opening statement  
Evidence  
Sworn, to be  
Exhibit  
Stand, to take the  
Vial  
Spleen

### Tape 3

Thug  
Loafer  
Hireling  
Lane  
Box, jury  
Skid, to  
Jeer  
Reckless  
Hammerlock  
Blackjack

### Tape 2

Officer  
Montage, photo  
Cross-examination  
Rest the case, to  
Criminal (- department, - law, etc.)  
Closing argument

### Tape 4

suit, a  
Provision  
Lease  
Consideration  
Demurre, to  
Manner  
Burden of proof  
Entitled to, to be

**Tape 6**

Competency  
Continuance  
Direct (examination)  
Hearsay evidence  
Hearsay  
Overruled  
Purview  
Scope  
Sidebar (conference)  
Fondle, to

**Tape 8**

Regardless  
File, to  
Rule, to  
Admissibility  
Disregard, to  
Sole judges  
Credibility  
Manner  
Bias  
Believability  
Violation (of the law)  
Officers of the court  
Sympathy  
Put in issue, to  
Burden  
Attempt to commit murder  
First degree  
Return, to (a verdict)  
Intent  
Assault  
Deadly weapon  
Firearm

**Tape 7**

Spell, to  
Forensic pathology fellow  
Coroner  
Expertise  
Examiner  
Abrasion  
Scalp  
Scrapes  
Helix  
Bruise  
Maxilla  
Jawbone  
Orbital rim  
Mandible  
Jaw

**Tape 9**

Lesser  
Great bodily harm  
Impairment  
Direct evidence  
Circumstantial evidence  
Foreman of the jury  
Criminal case

#### **TAPE 10**

Robbery  
Grand larceny  
Criminally  
Accomplice  
Adjudge, to  
Premises

#### **Tape 12**

Attachments  
Communicating  
Criminal act  
Discovery  
Enact, to  
Ex post facto  
Expose oneself, to  
Impanel, to  
Indecent liberties  
Motion *in limine*  
Pretrial brief  
Rest, to  
Rollover, to  
Statute of limitations

#### **Tape 14**

Affidavit  
Bailliff  
Community property  
Credit union  
Deposition  
Find, to  
Irretrievably  
Judgment  
Royalties  
Stock

#### **Tape 13**

Ex post facto  
Run (out), to  
Misconduct  
Enactment  
Brief, to  
Statute of limitations  
Factual issue  
Waive, to

**Tape 15**

Award, to  
Investment growth stock portion  
Exhibit  
Interim motion  
Maintenance  
Statute  
Cut glass bowl  
Waterford mug

**Tape 17**

Conspiracy  
In furtherance  
Jury, grand  
Manner and means  
Paging devices  
Possession  
Schedule  
Title  
Use and carrying of firearms



**Tape 18**

Abutment

Accelerometer

Background

Collision

Compressibility

Device

Disc recorder

Full scale

Guardrail

Handling test

Handling

Head-on

Lecturer

Material

Re-run, to

Shoulder

Side glass

Stand

Steering column

Voir Dire

## SUGGESTED SKILL – ENHANCING EXERCISES: *Simultaneous Interpretation*

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It is essential that you enhance your listening and concentration capabilities. Therefore, before taking the Court Interpreter Exam, you must:

- practice your ability to listen to information through earphones (or by other audio devices) and interpret at the same time, and
- learn to concentrate on what is being communicated to the person for whom you are interpreting. You should concentrate on the actual communication without being distracted by external factors, such as physical appearance, gestures, emotional outbursts, etc.

The exercises outlined below will help you develop skills in simultaneous interpretation. They build on each other, so start slowly, step by step. Practice them **daily**, for a half hour. Start with just the source language, and then interpret the source language into the target language.

1. Use television and radio broadcasts as interpreting materials. Interpret them aloud simultaneously.
2. Attend as many different kinds of court proceedings as possible. While you listen, render them silently to yourself simultaneously with the speaker. Alternatively, make your own recordings, reading from some legal texts. Start with texts that are not too technical.
3. **Shadowing:** This exercise familiarizes the interpreter with performing two basic tasks – listening and speaking – simultaneously.
  - a. Have someone record several paragraph-length passages in English, or record a television talk show. Choose texts in a variety of areas, but nothing too technical for now.
  - b. Listen to each passage without taking notes.
  - c. Play them again and repeat everything you hear, staying as close to the speaker's words and pacing as possible (shadowing).
  - d. Pay attention to key words and phrases that hint at what comes next (e.g., On the other hand..., once upon a time..., there was opportunity and motive..., etc.)
4. **Dual-Tasking:** Once you feel comfortable talking and listening at the same time, and are not leaving out too much, begin performing other tasks.
  - a. Listen to the above passages again, interpreting simultaneously, AND, while focused on this activity, write the numbers 1 – 100.
  - b. Repeat this exercise AND write the numbers 100 – 1 (backwards).

- c. Repeat the exercise, only this time, write the numbers 1 – 100 by 5's. Then write them by 3's. (Note what happens whenever numbers are mentioned in the text that you are shadowing!)
  - d. When you are able to do this exercise with very few errors, move on to writing your address and phone number and your friends' addresses and phone numbers, while simultaneously shadowing the recorded texts.
  - e. Repeat the exercise while copying a short poem (have it written out in front of you – do not write it from memory).
  - f. Finally, repeat the exercise while simultaneously writing out the Pledge of Allegiance from memory.
5. **Analytical Listening:** Interpreters must listen to a message and instantly decide which ideas are relevant, and which are less important or distracting.
- a. Have someone record a variety of short passages from newspapers or magazines (essays or op-eds work well).
  - b. Listen to each passage, without taking notes. Turn off the recorder after each passage, and then write down the main idea of the passage.
  - c. Listen to each passage again, turning off the recorder after each one, and write down any additional specific information that supports the main idea.
  - d. Continue this procedure until you have written a complete summary of each passage.
  - e. Pay attention to key words or phrases that can lead you astray, such as nonessential embedded clauses (e.g., *My uncle, who is sixty years old, called me*) and dangling participles (e.g., *While walking home, a tree fell in front of me – the tree was NOT walking home*). Learn to skip over those distractions to get to the main idea.
6. When you are comfortable shadowing and dual-tasking, try exercises 3, 4 and 5 but interpret the passages from the source language into the target language. You may want to record texts from law books or record actual court proceedings.

Again, this type of interpreting takes a lot of time and practice to become proficient. Practicing with a partner to get immediate feedback is *strongly* recommended.







## RESOURCES

- Glossary of Legal Terms (Washington Courts website)
- Language Specific Glossary
- Resources for Court Interpreters: Publications
- Recommended Reading
- Online Resources
- Independent Study Programs
- Articles
  - “Court Interpreting: View from the Bench”
  - “Do You Want Your Court Interpreter Ready To Do the Best For Your Case?”



## GLOSSARY OF TERMS

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### **A**

#### **Acquit**

To find a defendant not guilty in a criminal trial.

#### **Action**

Proceeding taken in a court of law. Synonymous with case, suit, lawsuit.

#### **adjudication**

A judgment or decree.

#### **Administrator**

1. One who administers the estate of a person who dies without leaving a will.
2. A court official.

#### **advance sheets**

Initial, temporary publications of decisions of Washington's appellate courts.  
Advanced sheets are published weekly.

#### **adversary system**

Basic U.S. trial system in which each of the opposing parties has an opportunity to state his or her viewpoint before the court. Plaintiff argues for defendant's guilt (criminal) or liability (civil). Defense argues for defendant's innocence (criminal) or against liability (civil).

#### **affidavit**

A written or printed declaration or statement under oath. See certificate under penalty of perjury of perjury.

#### **affidavit of prejudice**

A written motion by a party to a judge, requesting that the judge not hear the case.

#### **affirm**

The assertion of an appellate court that the judgment of the lower court is correct and should stand.

#### **allegation**

An assertion, declaration or statement of a party to an action made in a pleading, stating what the party expects to prove.

#### **alleged**

(allegation) Stated; recited; claimed; asserted; charged.

#### **answer**

A formal response to a claim, admitting or denying the allegations in the claim.

#### **appeal**

Review of a case by a higher court.

#### **appeal on the record**

Refers to a review by a superior court of a district or municipal court decision, through an examination of the lower court's transcript, tape recording or other official documentation of the proceeding.

**appearance**

1. The formal proceeding by which a defendant submits to the jurisdiction of the court. 2. A written notification to the plaintiff by an attorney stating that he or she is representing the defendant.

**appellant**

Party appealing a decision or judgment to a higher court.

**appellate court**

A court having jurisdiction over appeal and review.

**appellee**

The party against whom an appeal is taken. See respondent.

**arbitration**

The hearing and settlement of a dispute between opposing parties by a third party whose decision the parties have agreed to accept.

**arraignment**

In criminal cases, a court hearing where a defendant is advised of the charges and asked to plead guilty or not guilty.

**at issue**

The time in a lawsuit when the complaining party has stated a claim, the other side has responded with a denial and the matter is ready to be tried.

**attachment**

Taking a person's property to satisfy a court-ordered debt.

**attorney at law**

A lawyer; one who is licensed to act as a representative for another in a legal matter or proceeding.

**attorney of record**

An attorney, named in the records of a case, who is responsible for handling the case on behalf of the party he or she represents.

**B****bail**

An amount of money determined by the judge and posted with the court clerk as security.

**bail bond**

An agreement by a third party to pay a certain sum of money if the defendant fails to appear in court.

**bailliff**

A court employee who, among other things, maintains order in the courtroom and is responsible for custody of the jury.

**bankruptcy**

A legal proceeding where a person or business is relieved of paying certain debts.

**bench warrant**

Process issued by the court itself or "from the bench" for the attachment or arrest of a person.

**best evidence**



Primary evidence; the best evidence which is available; any evidence falling short of this standard is secondary; i.e., an original letter is best evidence compared to a copy.

**brief**

A legal document, prepared by an attorney, which presents the law and facts supporting his or her client's case.

**burden of proof**

Measure of proof required to prove a fact. Obligation of a party to prove facts at issue in the trial of a case.

**C**

**calendar**

List of cases arranged for hearing in court.

**caption**

The caption of a pleading, or other papers connected with a case in court, is the heading or introductory clause which shows the names of the parties, name of the court, number of the case, etc.

**case**

Any proceeding, action, cause, lawsuit or controversy initiated through the court system by filing a complaint, petition, indictment or information.

**caseload**

The number of cases a judge handles in a specific time period.

**cause of action**

A legal claim.

**certificate under penalty of perjury**

A written statement, certified by the maker as being under penalty of perjury. In many circumstances, it may be used in lieu of an affidavit. See affidavit.

**certiorari**

Procedure for removing a case from a lower court or administrative agency to a higher court for review.

**challenge for cause**

A request by a party that the court excuse a specific juror on the basis that the juror is biased.

**chambers**

A judge's private office.

**change of venue**

The removal of a case begun in one court, to another. See venue.

**charge**

Formal accusation of having committed a criminal offense.

**chief judge**

Presiding or administrative judge in a court.

**chief justice**

Presiding justice of the Supreme Court.

**circumstantial evidence**

All evidence of indirect nature; the process of decision by which judge or jury may reason from circumstances known or proved to establish by inference the principal fact.

**citation**

1. Summons to appear in court. 2. Reference to authorities in support of a legal argument.

**civil law**

All law that is not criminal law. Usually pertains to the settlement of disputes between individuals, organizations or groups and having to do with the establishment, recovery or redress of private and civil rights.

**claim**

The assertion of a right to money or property.

**clerk of court**

An officer of a court whose principal duty is to maintain court records and preserve evidence presented during a trial.

**closing argument**

The closing statement, by counsel, to the trier of facts after all parties have concluded their presentation of evidence.

**code**

A collection, compendium or revision of laws systematically arranged into chapters, table of contents and index and promulgated by legislative authority.

**commit**

To lawfully send a person to prison, a reformatory or an asylum.

**common law**

The system of jurisprudence which is based on judicial precedent, rather than legislatively enacted statutes of law. Also called "case law."

**community service**

A sentencing alternative usually used in lieu of a monetary penalty or fine.

**commutation**

Change of punishment from a greater to a lesser degree, such as from death to life imprisonment or ending a sentence that has been partially served.

**comparative negligence**

Negligence of a plaintiff in a civil suit which decreases the recovery of damages by his or her percentage of negligence compared to a defendant's negligence.

**competency**

In the law of evidence, the presence of those characteristics which render a witness legally fit and qualified to give testimony.

**complainant**

One who makes a complaint. See plaintiff.

**complaint**

1. (criminal) Formal written charge that a person has committed a criminal offense.
2. (civil) Initial document entered by the plaintiff which states the claims against the defendant.

**condemnation**

The legal process by which real estate of a private owner is taken for public use

without consent but upon the award and payment of just compensation.

**contempt of court**

Any act that is meant to embarrass, hinder or obstruct a court in the administration of justice. Direct contempt is committed in the presence of the court; indirect contempt is when a lawful order is not carried out or is refused.

**contested hearing**

A hearing held in courts of limited jurisdiction for the purpose of allowing a person to dispute the determination that an infraction has been committed. The person may subpoena and examine witnesses and present evidence. Such hearings are held without a jury.

**continuance**

Adjournment of the proceedings in a case from one day to another.

**convict**

1. To find a person guilty of a charge (verb). 2. One who has been found guilty of a crime or misdemeanor; usually refers to convicted felons or prisoners in penitentiaries (noun).

**corpus delicti**

The body or material substance upon which crime has been committed; e.g., the corpse of a murdered person, the charred remains of a burned house.

**corroborating evidence**

Evidence supplementary to that already given and tending to strengthen or confirm it.

**costs**

An allowance for expenses in prosecuting or defending a suit. Ordinarily does not include attorney's fees.

**counterclaim**

Claim presented by a defendant in opposition to, or deduction from, the claim of the plaintiff.

**county clerk**

Elected official who is clerk of the superior court. See clerk of court.

**court**

1. Place where justice is administered. 2. Judge or judges sitting in the court administering justice.

**court administrator**

Manager of administrative, nonjudicial affairs of the court.

**court commissioner**

A judicial officer at both trial and appellate court levels who performs many of the same duties as judges and justices.

**court of appeals**

Intermediate appellate court to which most appeals are taken from superior court.

**court reporter**

Person who records and transcribes the verbatim testimony and all other oral statements made during court sessions.

**court, district**

Court of limited jurisdiction where civil cases up to \$50,000 and small claims cases

up to \$2,500 can be heard. Criminal and gross misdemeanors and traffic citations are also heard in district court.

**court, juvenile**

Division of superior court that deals with the conduct and circumstances of children under the age of 18.

**court, municipal**

Court whose jurisdiction is confined to a city or local community. In Washington, jurisdiction is generally limited to criminal and traffic offenses arising from violation of local ordinances.

**court, small claims**

A division of state district court where parties can bring claims up to \$4,000. Procedures are simplified and lawyers are generally not allowed.

**court, superior**

State trial court of general jurisdiction. See general jurisdiction.

**court, supreme**

"Court of last resort." Highest court in the state and final appellate court.

**courts of limited jurisdiction**

Includes district and municipal courts.

**crime**

Conduct declared unlawful by a legislative body and for which there is a punishment of a jail or prison term, a fine, or both.

**criminal insanity**

Lack of mental capacity to do or abstain from doing a particular act; inability to distinguish right from wrong.

**criminal law**

Body of law pertaining to crimes against the state or conduct detrimental to society as a whole. Violation of criminal statutes are punishable by law.

**cross-examination**

The questioning of a witness by the party opposed to the one who produced the witness.

**custody**

Detaining of a person by lawful process or authority to assure that individual's appearance to any hearing; the jailing or imprisonment of a person convicted of a crime.

**D**

**damages**

Compensation recovered in the courts by a person who has suffered loss, detriment or injury to his or her person, property or rights, through the unlawful act or negligence of another.

**de novo**

"Anew." A trial de novo is a completely new trial held as if the original trial in the court of limited jurisdiction had never taken place.

**declaratory judgment**

A judgment that declares the rights of the parties on a question of law.

**decree**

Decision or order of the court. A final decree completes the suit; an interlocutory decree is a provisional or preliminary decree which is not final.

**default**

A failure of a party to respond in a timely manner to a pleading; a failure to appear for trial.

**defendant**

1. (criminal) Person charged with a crime.
2. (civil) Person against whom a civil action is brought.

**defense attorney**

The attorney who represents the defendant.

**deferred sentence**

See sentence, deferred.

**deposition**

Sworn testimony taken and recorded in an authorized place outside of the courtroom, according to the rules of the court.

**determinate sentence**

See sentence, determinate.

**direct examination**

The questioning of a witness by the party who produced the witness.

**discovery**

A pretrial proceeding where a party to an action may be informed about (or "discover") the facts known by other parties or witnesses.

**dismissal with prejudice**

Dismissal of a case by a judge which bars the losing party from raising the issue again in another lawsuit.

**dismissal without prejudice**

The losing party is permitted to sue again with the same cause of action.

**disposition**

1. Determination of a charge; termination of any legal action.
2. A sentence of a juvenile offender.

**dissent**

The disagreement of one or more judges of a court with the decision of the majority.

**dissolution**

Legal ending of a marriage. Formerly called divorce.

**District and Municipal Court Judges' Association**

Association of judges of courts of limited jurisdiction established by statute to study and make recommendations concerning the operation of the courts served by its members.

**district court**

See court, district.

**divorce**

See **dissolution**.

**docket**

Book containing entries of all proceedings in a court.

**domicile**

Place considered to be a person's permanent home.

**double jeopardy**

Prohibition against more than one prosecution for the same crime.

**due process**

Constitutional guarantee that an accused person receive a fair and impartial trial.

**DUI**

Driving under the influence of intoxicating liquor or drugs.

## **E**

**eminent domain**

The power to take private property for public use by condemnation. See **condemnation**.

**en banc**

"On the bench." All judges of a court sitting together to hear a case.

**enjoin**

To require a person to perform, or abstain or desist from some act.

**entrapment**

The act of officers or agents of a government in inducing a person to commit a crime not contemplated by the person, for the purpose of instituting a criminal prosecution against him or her.

**et al**

"And others."

**evidence**

Any form of proof legally presented at a trial through witnesses, records, documents, etc. See **expert evidence**.

**ex parte**

1. A proceeding brought for the benefit of one party only, without notice to or challenge by an adverse party. 2. The department of the court which hears **ex parte** proceedings.

**exhibit**

Paper, document or other object received by the court as evidence during a trial or hearing.

**expert evidence**

Testimony given by those qualified to speak with authority regarding scientific, technical or professional matters.

**extradition**

The surrender by one state to another of an individual accused or convicted of an offense outside its own territory and within the territorial jurisdiction of the other.

## **F**

### **fact-finding hearing**

A proceeding where facts relevant to deciding a controversy are determined.

### **felony**

A crime of graver nature than a gross misdemeanor.

### **fine**

A sum of money imposed upon a convicted person as punishment for a criminal offense or infraction.

### **fraud**

An intentional perversion of truth; deceitful practice or device resorted to with intent to deprive another of property or other right or in some manner to do injury to that person.

## **G**

### **garnishment**

Proceeding whereby property, money or credits of a debtor in the possession of another are applied to the debts of the debtor, as in the garnishment of a person's wages.

### **general jurisdiction**

Refers to courts that have no limit on the types of criminal and civil cases they may hear. Superior courts are courts of general jurisdiction.

### **grand jury**

A body of persons sworn to inquire into crime and, if appropriate, bring accusations (Indictments) against the suspected criminals. Not generally used in Washington.

### **gross misdemeanor**

**See misdemeanor.**

### **guardian ad litem**

A person appointed by a court to manage the interests of a minor or incompetent person whose property is involved in litigation.

## **H**

### **habeas corpus**

"You have the body." A writ of habeas corpus requires a person be brought before a judge. It is usually used to direct an official to produce a prisoner so that the court may determine if such person has been denied his or her liberty without due process.

### **hearing**

An in-court proceeding before a judge, generally open to the public.

### **hearsay**

Evidence based on what the witness has heard someone else say, rather than what the witness has personally experienced or observed.

### **hung jury**

A jury whose members cannot agree on a verdict.

### **hypothetical question**

A combination of facts and circumstances, assumed or proved, stated in such a

form as to constitute a coherent statement of facts upon which the opinion of an expert can be asked by way of evidence in a trial.

## **I**

### **immunity**

Freedom from duty or penalty.

### **impeachment of a witness**

An attack on the credibility of a witness by the testimony of other witnesses.

### **inadmissible**

That which, under the established rules of evidence, cannot be admitted or received.

### **indictment**

Written accusation of a grand jury, charging that a person or business has committed a crime.

### **indigent**

Needy; poor; impoverished. A defendant who can demonstrate his or her indigence to the court may be assigned a court-appointed attorney at public expense.

### **information**

An accusation of some criminal offense, in the nature of an indictment, but which is presented by a competent public officer instead of a grand jury.

### **infraction**

An act which is prohibited by law but which is not legally defined as a crime. In Washington State, many traffic violations are classified as infractions.

### **injunction**

Writ or order by a court prohibiting a specific action from being carried out by a person or group.

### **instruction**

Direction given by a judge to the jury regarding the applicable law in a given case.

### **interrogatories**

Written questions developed by one party's attorney for the opposing party. Interrogatories must be answered under oath within a specific period of time.

### **intervention**

Proceeding in a suit where a third person is allowed, with the court's permission, to join the suit as a party.

## **J**

### **judge**

An elected or appointed public official with authority to hear and decide cases in a court of law.

### **judge, pro tem**

Temporary judge.

### **judgment**

Final determination by a court of the rights and claims of the parties in an action.

### **jurisdiction**



Authority of a court to exercise judicial power.

**jurisprudence**

The science of law.

**juror**

Member of a jury.

**jury**

Specific number of people (usually 6 or 12), selected as prescribed by law to render a decision (verdict) in a trial. See trier of facts.

**juvenile court**

See court, juvenile.

**L**

**law**

The combination of those rules and principles of conduct promulgated by legislative authority, derived from court decisions and established by local custom.

**law clerks**

Persons trained in the law who assist judges in researching legal opinions.

**leading question**

One which suggests to a witness the answer desired. Generally prohibited on direct examination.

**limited jurisdiction**

Refers to courts that are limited in the types of criminal and civil cases they may hear. District, municipal and traffic violation bureaus are courts of limited jurisdiction.

**litigant**

One who is engaged in a lawsuit.

**litigation**

Contest in court; a law suit.

**M**

**magistrate**

Court official with limited authority.

**mandate**

Command from a court directing the enforcement of a judgment, sentence or decree.

**mandatory arbitration**

The hearing and settlement of a dispute, involving a money judgment of \$50,000 or less, by a third party whose decision is binding on the parties.

**misdemeanor**

Criminal offenses less than felonies; generally those punishable by fine or imprisonment of less than 90 days in a local facility. A gross misdemeanor is a criminal offense for which an adult could be sent to jail for up to one year, pay a fine up to \$5,000 or both.

**mistrial**

Erroneous or invalid trial. Usually declared because of prejudicial error in the proceedings or when there was a hung jury.

**mitigating circumstances**

Those which do not constitute a justification or excuse for an offense but which may be considered as reasons for reducing the degree of blame.

**mitigation hearing**

A hearing held in courts of limited jurisdiction for the purpose of allowing a person to explain the circumstances surrounding his or her commission of an infraction. The determination that an infraction has been committed may not be contested.

**modify**

In the appellate process, to change the terms of, rather than revise, a judgment of a trial court, administrative agency or intermediate appellate court.

**monetary penalty**

A penalty levied against a person convicted of a traffic infraction.

**moot**

Previously decided or settled, but lacking legal authority. A moot point is one not settled by judicial decisions.

**motion**

Oral or written request made by a party to an action before, during or after a trial upon which a court issues a ruling or order.

**municipal courts**

**See courts, municipal.**

**N**

**negligence**

The absence of ordinary care.

**O**

**oath**

Written or oral pledge by a person to keep a promise or speak the truth.

**objection**

Statement by an attorney taking exception to testimony or the attempted admission of evidence and opposing its consideration as evidence.

**of counsel**

Phrase used to identify attorneys that are employed by a party to assist in the preparation and management of a case but who are not the principal attorneys of record in the case.

**offender**

1. A person who has committed a felony, as established by state law, and is 18 years of age or older. 2. A person who is less than 18 but whose felony case has been transferred by the juvenile court to a criminal court.

**omnibus hearing**

A pretrial hearing normally scheduled at the same time the trial date is established. Purpose of the hearing is to ensure each party receives (or "discovers") vital information concerning the case held by the other. In addition, the judge may rule

on the scope of discovery or on the admissibility of challenged evidence.

**opening statement**

The initial statement made by attorneys for each side, outlining the facts each intends to establish during the trial.

**opinion**

Statement of decision by a judge or court regarding a case tried before it. Published opinions are printed because they contain new legal interpretations. Unpublished opinions, based on legal precedent, are not printed.

**opinion, per curiam**

Phrase used to distinguish an opinion of the whole court from an opinion written by only one judge.

**overrule**

1. Court's denial of any motion or point raised to the court. 2. To overturn or void a decision made in a prior case.

**P**

**parties**

Persons, corporations, or associations who have commenced a lawsuit or who are defendants.

**penalty assessment**

An assessment or fee added to a monetary penalty or fine. Such fees are earmarked for the support of specific state programs such as traffic safety, criminal justice training, etc.

**peremptory challenge**

Procedure which parties in an action may use to reject prospective jurors without giving a reason. Each side is allowed a limited number of such challenges.

**perjury**

Making intentionally false statements under oath. Perjury is a criminal offense.

**personal recognizance**

In criminal proceedings, the pretrial release of a defendant without bail upon the defendant's promise to return to court.

**petition**

Written application to a court requesting a remedy available under law.

**petition for review**

A document filed in the state Supreme Court asking for a review of a decision made by the Court of Appeals.

**petitioner**

**See plaintiff.**

**plaintiff**

The party who begins an action; the party who complains or sues in an action and is named as such in the court's records. Also called a petitioner.

**plea**

A criminal defendant's official statement of "guilty" or "not guilty" to the charge.

**plea bargaining**

In a criminal case, the process in which the accused and the prosecutor negotiate a

mutually satisfactory disposition of the case. Such bargains are not binding on the court.

**pleadings**

Formal, written allegations by the parties of their respective claims.

**polling the jury**

A practice whereby the jurors are asked individually whether they agreed, and still agree, with the verdict.

**power of attorney**

Document authorizing another to act as one's agent or attorney in fact (Not an attorney at law).

**precedent**

Previously decided case which is recognized as an authority for determining future cases.

**preponderance of evidence**

The general standard of proof in civil cases. The weight of evidence presented by one side is more convincing to the trier of facts than the evidence presented by the opposing side.

**presentence report**

A report to the sentencing judge containing background information about the crime and the defendant to assist the judge in making his or her sentencing decision.

**presiding judge**

Chief or administrative judge of a court. See chief judge.

**pro tem**

"Temporary." See judge, pro tem.

**probable cause**

Reasonable cause; having more evidence for than against; a reasonable belief that a crime has or is being committed; the basis for all lawful searches, seizures, and arrests.

**probate**

The legal process of establishing the validity of a will and settling an estate.

**probation**

Set of conditions and regulations under which a person found guilty of a criminal offense is allowed to remain in the community, usually under the supervision of a probation officer.

**proceeding**

Any hearing or court appearance related to the adjudication of a case.

**prosecution**

1. Act of pursuing a lawsuit or criminal trial. 2. The State of Washington, the party that initiates a criminal case.

**prosecutor**

The public officer in each county who is a lawyer and who represents the interests of the state in criminal trials and the county in all legal matters involving the county. In criminal cases, the prosecutor has the responsibility of deciding who and when to prosecute. Also known as prosecuting attorney.

**R****reasonable doubt**

If, in the minds of the jury, a doubt exists which may have arisen from the evidence, or lack of evidence, a doubt that would exist in the mind of a reasonable person after fully, fairly, and carefully considering all of the evidence, or lack of evidence.

**rebuttal**

The introduction of contradicting or opposing evidence showing what a witness said is not true; the stage of a trial at which such evidence may be introduced.

**record**

1. To preserve in writing, print or by film, tape, etc. 2. History of a case. 3. The word-for-word (verbatim) written or tape-recorded account of all proceedings of a trial. See transcript.

**record on appeal**

The portion of the record of a lower court necessary to allow a higher court to review the case.

**redirect examination**

Follows cross-examination and is carried out by the party who first examined the witness.

**remand**

To send back. A disposition by an appellate court that results in sending the case back to the original court from which it came for further proceedings.

**reply**

Pleading by the plaintiff in response to the defendant's written answer.

**respondent**

1. Party against whom an appeal is brought in an appellate court; the prevailing party in the trial court case. 2. A juvenile offender.

**restitution**

Act of giving the equivalent for any loss, damage or injury.

**rests the case**

When a party's presentation of evidence is concluded.

**reversal**

Setting aside, annulling, vacating, or changing to the contrary, the decision of a lower court or other body.

**S****search and seizure, unreasonable**

In general, an examination without authority of law, of one's premises or person for the purpose of discovering stolen or illegal property or some other evidence of guilt to be used in prosecuting a crime.

**search warrant**

A written order, issued by a judge or magistrate in the name of the state, directing an officer to search a specified house or other place for stolen property, drugs, or contraband. Usually required as a condition for a legal search and seizure.

**sentence**

Judgment formally pronounced by a judge upon a defendant following conviction in a criminal prosecution.

**sentence, concurrent**

Two or more sentences which run at the same time.

**sentence, consecutive**

Two or more sentences which run one after another.

**sentence, deferred**

An alternative to a prison sentence consisting of probation, jail, or other appropriate condition.

**sentence, determinate**

A sentence that states exactly the number of actual years, months or days of total confinement, partial confinement or community supervision or the number of actual hours or days of community service work or dollars or terms of a fine or restitution. The fact an offender can, through "earned early release", reduce the actual period of confinement, does not affect the classification of the sentence as a determinate sentence.

**sentence, suspended**

Execution of the sentence has been withheld by the court based on certain terms and conditions.

**separation (jury)**

Recessing the jury for meals.

**service**

Delivery of a legal document to the opposite party.

**set aside**

Annul or void as in "setting aside" a judgment.

**settlement**

1. Conclusion of a legal matter. 2. Compromise agreement by opposing parties in a civil suit before judgment is made, eliminating the need for the judge to resolve the controversy.

**settlement conference**

A meeting between parties of a lawsuit, their counsel and a judge to attempt a resolution of the dispute

**small claims**

See court, small claims.

**speedy trial**

Right of a defendant to be tried promptly.

**statute**

A law created by the Legislature.

**statute of limitations**

Law which specifies the time within which parties must take judicial action to enforce their rights.

**stay**

Halting of a judicial proceeding by order of the court.

**stipulation**

Agreement by the attorneys and parties on opposite sides of a case regarding any

matter in the trial proceedings.

**subpoena**

Document issued by the authority of the court to compel a witness to appear and give testimony or produce documentary evidence in a proceeding. Failure to appear or produce is punishable by contempt of court.

**subpoena duces tecum**

"Bring the document with you." A process by which the court commands a witness to produce specific documents or records in a trial.

**suit**

Any court proceeding in which an individual seeks a decision. See case.

**summons**

Document or writ directing the sheriff or other officer to notify a person that an action has been commenced against him or her in court and that he or she is required to appear, on a certain day, and answer the complaint in such action.

**Superior Court Judges' Association**

Association of judges of Washington's courts of general jurisdiction established by statute to study and make recommendations concerning the administration of justice in the courts served by its members.

**suspended sentence**

See sentence, suspended.

**T**

**testimony**

Any statement made by a witness under oath in a legal proceeding.

**tort**

An injury or wrong committed, with or without force, to the person or property of another, which gives rise to a claim for damages.

**transcript**

The official record of proceedings in a trial or hearing, which is kept by the court reporter.

**trial**

The presentation of evidence in court to a trier of fact who applies the applicable law to those facts and then decides the case.

**trial de novo**

See de novo.

**trier of facts**

The jury or, in a non-jury trial, the judge.

**V**

**venue**

The specific county, city or geographical area in which a court has jurisdiction. See change of venue.

**verdict**

Formal decision made by a judge or jury (trier of facts).

**voir dire**

(pronounced "vwar-deer") - "To speak the truth." The process of preliminary examination of prospective jurors, by the court or attorneys, regarding their qualifications.

**W****Washington Appellate Reports**

Bound volumes that contain printed decisions of the state's Court of Appeals.

**Washington Reports**

Bound volumes that contain printed decisions of the Washington State Supreme Court.

**Washington State Bar Association**

A state wide association of attorneys organized under rules of the Washington State Supreme Court to administer bar examinations, conduct a mandatory legal education program for attorneys and perform disciplinary functions in those cases where it appears an attorney may have violated rules of the Attorney's Code of Professional Conduct. More than 20,500 active members belong to the association (1997).

**willful act**

An intentional act carried out without justifiable cause.

**witness**

Person who testifies under oath before a court, regarding what he or she has seen, heard or otherwise observed.

**writ**

A special, written court order directing a person to perform, or refrain from performing, a specific act.

Source: [www.courts.wa.gov/newsinfo/resources/index.cfm?fa=newsinfo\\_jury.termguide&altMenu=Term](http://www.courts.wa.gov/newsinfo/resources/index.cfm?fa=newsinfo_jury.termguide&altMenu=Term)





## RESOURCES FOR COURT INTERPRETERS: *Publications*

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- Benmaman, Virginia, Norma C. Connolly, and Scott Robert Loos, "Bilingual Dictionary of Criminal Justice Terms (English/Spanish), 2nd Edition, Gould Publications, Inc. (Longwood, Florida: 1991)
- Crooker, Constance Emerson, *The Art of Legal Interpretation: A Guide for Court Interpreters*, Portland State University, Continuing Education Press (Portland, OR: 1996)
- De Jongh, Elena M., *An Introduction to Court Interpreting: Theory and Practice*, University Press of America (Lanham, MD:1992)
- Edwards, Alicia Betsy, *The Practice of Court Interpreting*, [Series: Benjamin's Translation Library], J. Benjamin's Publishing Company (Amsterdam, PA: 1995)
- Festinger, Nancy, "When is a Team Not a Team?" *Proteus*, 8:3-4 (1999)
- Gonzalez R, Vasquez V, and Holly Mikkelson, *Fundamentals of Court Interpretation*, Carolina Academic Press (Durham, NC:1991).
- Hewitt, William E., *Court Interpretation: Model Guides for Policy and Practice in the State Courts*, National Center for State Courts (Williamsburg, VA: 1995): available online at [http://www.ncsconline.org/WC/Publications/Res\\_CtInte\\_ModelGuidePub.pdf](http://www.ncsconline.org/WC/Publications/Res_CtInte_ModelGuidePub.pdf)  
Read especially:  
Chapter 2: "Interpreting Terminology"  
Chapter 3: "Job Analysis and Position Descriptions for Professional Court Interpreters" - A short but detailed description of qualifications, knowledge, skills, and abilities of professional interpreters  
Chapter 9: "Model Code of Professional Responsibility for Interpreters in the Judiciary"
- Judicial Council of California, Administrative Office of the Courts, *Professional Ethics and the Role of the Court Interpreter*, 3rd Edition, [www.courtinfo.ca.gov/programs/courtinterpreters/documents/ethicsma.pdf](http://www.courtinfo.ca.gov/programs/courtinterpreters/documents/ethicsma.pdf)
- Mikkelson, Holly. "Volume 4: Legal Translation Explained." St. Jerome Publishing (Manchester, UK: June 2001)
- Mikkelson, Holly. "Volume 1: Introduction to Court Interpretation." St. Jerome Publishing (Manchester, UK: June 2000)
- Mikkelson, Holly. On the Horns of a Dilemma: Accuracy vs. Brevity in the Use of Legal Terms by Court Interpreters. ACEBO website.
- Orrantia, Dagoberto, "Immigration Court Terminology" in *Proteus*, 6:4 (1997)

## ARTICLES

---

Boller Jr., Phillip J, "A Name is Just a Name – Or Is It?" FBI Law Enforcement Bulletin, Federal Bureau of Investigation, Washington, DC (March 1992):4-8.

Chase, Dawn, "The Need for Interpreters – Multiculturalism Creates a Challenge for the Court System," Virginia Lawyers Weekly (November 1, 1999).

Gillespie, Sean, "Increased Diversity Fuels Need for Court Interpreters," South County Journal (June 16, 2001): 8-9.

Gomes de Matos, Francisco and Elena M. Gomes de Matos, "An Introduction to Court Interpreting: Theory and Practice," Multilingua, 14:2 (1995) p.220.

Jackman, Tom, "Improving Translation in Court," Washington Post, February 25, 1999: 6.

Morris, Ruth, "The Gum Syndrome: Predicaments in Court Interpreting," Forensic Linguistics, 6:1 (1999) pp. 6-29.

Morris, Ruth, "The Moral Dilemmas of Court Interpreting," The Translator, 1:1 (1995), p. 25.

Rigney, Azucena C, "Questioning in Interpreted Testimony," Forensic Linguistics, 6:1 (1999) pp. 83-108.

Rotman, Eduardo, "The Inherent Problems of Legal Translation: Theoretical Aspects," Indiana International and Comparative Law Review, 1995, 6:1.

Weissman, Deborah M, *Between Principles and Practice: The Need for Certified Court Interpreters in North Carolina*, North Carolina Law Review, 78:6 (2000), pp 1899-964.

### Legal Books

Giannelli, Paul C and Imwinkelried, Edward J. Scientific Evidence, Vol. I & II. Charlottesville, Virginia: The Michie Butterworth Company.

Loewy, Arnold H. Criminal Law in a Nutshell. St. Paul, MN: West Publishing Co., 1987.

US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Forensic DNA Analysis: Issues. June 1991, NCJ-128567. (Many publications from the Bureau of Justice Statistics are available at no or nominal cost).



## RECOMMENDED READING

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Astiz, Carlos A. (1986). "But They Don't Speak the Language: Achieving Quality Control of Translation in Criminal Courts". *The Judges' Journal*, Spring, 32-35

Berk-Seligson, Susan (1990). *The Bilingual Courtroom: Court Interpreters in the Judicial Process*. Chicago: University of Chicago Press.

Colin, Joan and Morris, Ruth (1996). *Interpreters and the Legal Process*. Winchester: Waterside Press.

Edwards, Alicia Betsy (1988). "Ethical Conduct for the Court Interpreter". *The Court Manager*, 22-25. National Association for Court Management.

Edwards, Alicia B. (1995). *The Practice of Court Interpreting*. Amsterdam/Philadelphia: John Benjamins.

Frankenthaler, M.R. (1982). *Skills for Bilingual Legal Personnel*. Cincinnati: South-Western Publishing Company.

Gerver, David & Sinaiko, H. Wallace, Eds. (1978). *Language Interpretation and Communication*. New York & London: Plenum Press.

New Jersey Supreme Court Task Force on Interpreter and Translation Services (1985). *Equal Access to the Courts for Linguistic Minorities* (Final Report). New Jersey.

O'Barr, William M. (1982). *Linguistic Evidence: Language, Power, and Strategy in the Courtroom*. New York: Academic Press.

Roberts, Roda P. (Ed.) (1981). *L'interprétation auprès des tribunaux*. Ottawa: Editions de l'Université d'Ottawa. (Articles in both French and English)



## ONLINE RESOURCES

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### AGENCIES and ORGANIZATIONS

**ACEBO:** ([www.acebo.com](http://www.acebo.com)) – has links to other sites, lots of articles by Holly Mikelson, and a good FAQ section about court interpretation.

**The American Translators Association (ATA)** is the largest translator and interpreter organization in North America. It has been around for over 35 years: ([www.atanet.org](http://www.atanet.org)).

**National Association of Judiciary Interpreters and Translators** ([www.najit.org](http://www.najit.org)) is a non-profit organization dedicated to the furtherance of the court interpreting and legal translation profession. They publish PROTEUS (online).

**National Center for State Courts:** [www.ncsconline.org](http://www.ncsconline.org)

- See "Court Interpreter Job Description" in NCSC Job Description Database

### Locally:

Northwest Translators and Interpreters Society (NOTIS): [www.notisnet.org](http://www.notisnet.org)

Washington State Court Interpreters and Translators Society (WITS): [www.witsnet.org](http://www.witsnet.org)

### GENERAL INFORMATION

- [www.courtinfo.ca.gov/programs/courtinterpreters/infopack.htm](http://www.courtinfo.ca.gov/programs/courtinterpreters/infopack.htm)  
contains information about (and links to more about):
  - Common Questions About The Court Interpreting Profession
  - Judicial Council of California Court Interpreters Advisory Panel Roster
  - Suggested Skills-Enhancing Exercises for Interpreters of All Languages
  - Exercises for Sight Translation
  - Exercises to Develop and Improve Simultaneous Interpreting Skills
  - Suggestions for Independent Study
  - Suggestions for Booksellers Where Foreign Language Books and Reference Materials are Available
  - List of Interpreter/Translator Training Programs
  - List of Professional Interpreter Associations
- **National Criminal Justice Reference Service:** <http://www.ncjrs.org> NCJRS is a federally funded resource offering justice and substance abuse information to support research, policy, and program development worldwide, including: access to a collection of more than 125,000 books, articles, and reports; information specialists to answer questions on a range of criminal justice issues; access to other clearinghouses, etc. For more info on NCJRS, call 1-800-851-3420.
- <http://www.hg.org/journals.html> is a website for searching law journals and dictionaries, atlases, reference books, a few foreign language and acronym dictionaries, too.

## DICTIONARIES

- **www.dictionary.law.com** – legal dictionary
- **www.yourDictionary.com** is a language products and services company that maintains a comprehensive language portal with more than 2500 dictionaries and grammars in over 300 languages, games that build language skills, and a forum (The Agora) for discussing language issues with the logophile community.
- **www.babylon.com**: downloadable access to a wealth of information, proprietary dictionaries
- **www.thesaurus.com** and **www.dictionary.com** links to other references, too.
- Slang and idioms in Spanish from many Latin American countries is found at:  
**http://www.jergasdehablahispana.org**
- **http://www.thectr.com/glossary/spanish.htm** is a Spanish glossary of financial terms
- Other helpful vocabulary/slang/idiom/pronunciation sites include:
  - **http://a4esl.org/q/h/** offers ESL self-study quizzes on homonyms, idioms, slang, etc.
  - **www.lal.com/companion.html** is the *Translator's Home Companion*, is intended to serve as a focal point of information about resources available on the Internet and elsewhere for translators and interpreters. Has good glossaries and links.
- and grammar help
  - **http://owl.english.purdue.edu/** is Purdue University's online help with English writing (spelling, grammar, punctuation).

## JOB SITE

**www.proZ.com** – interpreting and translation jobs



## INDEPENDENT STUDY PROGRAMS

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**For Arabic, Cantonese, Japanese, Korean, Russian, Spanish and Vietnamese:**

ACEBO  
P.O. Box 7485  
Spreckles, CA 93962  
Phone: (831) 455-1507  
Fax: (831) 455-1541

Includes tapes and books for sale.

# Court Interpreting: View from the Bench

Charles M. Grabau

## Introduction

The appointment of a court interpreter is a discretionary duty of a judge. The judge decides who is to receive the services of an interpreter and whether an interpreter is qualified. This duty is very important, as the selection of an unqualified court interpreter can have a profound effect on the rights of everyone involved in either a civil or criminal case.

Unfortunately, many judges lack the knowledge to perform this duty properly. They must frequently rely on "interpreters" who have received little or no training in the skills needed to be a qualified court interpreter. Judges who are unfamiliar with the skills necessary to court interpretation could fall prey to three prominent misconceptions:

*Misconception Number 1: If a person is bilingual, that person is able to interpret.*

A bilingual individual is not necessarily qualified to interpret in court.

Court interpreting requires additional knowledge and skills.

*Misconception Number 2: The appointment of a bilingual attorney will solve the language problem in the courtroom. An attorney cannot both represent a client and interpret in the courtroom at the same time.*

*Misconception Number 3: Defendants have little to contribute in their own defense.* A defendant has the constitutional right to the effective assistance of counsel and therefore *must* be able to communicate with his or her attorney.

What does a judge need to know before appointing a court interpreter? For instance, what is a court interpreter? What are a court interpreter's responsibilities as a professional? What should a judge expect from a qualified, certified court interpreter? The purpose of this article is to answer these and other questions pertaining to court interpretation.

## What Is the Role of a Court Interpreter?

A court interpreter is a "language mediator"<sup>1</sup> or "language conduit"<sup>2</sup> whose participation allows an individual who does not speak or understand English to participate meaningfully in a judicial proceeding. An interpreter conveys the meaning of a word or a group of words from a source language (e.g., Spanish) into the target language (e.g., English). Colloquial expressions, obscene or crude language, slang, and cultured or scholarly language have to be conveyed in accordance with the usage of the speaker. A court interpreter's job is not to tone down, improve, or edit any statements; instead, he or she must maintain the same register, or level of language spoken, and style of the speaker. There are three different modes of interpretation:

<sup>1</sup> Gonzalez, R. D., V. F. Vasquez, V. F. and H. Mikkelsen *Fundamentals of Court Interpretation: Theory, Policy and Practice*. Durham, N.C.: Carolina Academic Press, 1991.

<sup>2</sup> *United States v. Nazemain*, 948 F.2d 522 (9th Cir. 1991), cert denied 113 S. Ct. 107 (1992).

*Simultaneous Interpretation:* The interpreter speaks contemporaneously with the speaker. This mode of interpreting is often used when the court interpreter is seated at counsel table assisting a non-English-speaking party.

*Consecutive Interpretation:* The interpreter listens and speaks in a sequential manner after the speaker has completed a thought. The speaker may pause at regular intervals to facilitate the conveyance of his or her statements through the interpreter.

*Sight Translation:* The interpreter reads and translates a written document orally in court.<sup>3</sup>

*Summary Interpretation:* The interpreter summarizes the statements of the speaker. This mode of interpretation has no place in a court proceeding.

A court interpreter is an officer of the court who must comply with a Code of Professional Responsibility, which imposes ethical responsibilities relating to the interpreter's conduct (see sidebar). The court interpreter should take an oath in open court before every proceeding to faithfully, accurately, and impartially interpret the proceedings using his or her best skill and judgment.<sup>4</sup> A court interpreter is neither a witness nor an expert witness.<sup>5</sup>

When an interpreter is used by a defense attorney to interview the defendant, the attorney-client privilege applies. When a suspect is interrogated through an interpreter by a police officer, courts have held that the interpreter is a joint agent of the parties. *U.S. v. DaSilva*, 725 F.2d 828 (2d Cir. 1983). "When two persons who speak different languages and who cannot understand each other converse through an interpreter, they adopt a mode of communication in which they assume that the interpreter is trustworthy, and which makes his language presumptively their own. Each acts upon a theory that the interpretation is correct. Each impliedly agrees that his language may be received through the interpreter. If nothing appears to show that their respective relations to the interpreter differ, they may be

3 It is important that a judge know the difference between an interpreter and a translator. A translator translates a written document in one language into a written document in another language. Translation requires different skills than those used by an interpreter.

4 I suggest that in a busy arraignment session, in order to save time, the interpreter be sworn only at the beginning of the session. However, it is advisable for the judge or the session clerk to indicate on the record that the interpreter has previously been sworn.

5 *Commonwealth v. Belete*, 37 Mass. App. Ct. 424, 426 (1994). However, an exception is made in circumstances in which a judge has to resolve a dispute about an interpretation to which an attorney or a juror has objected. *Commonwealth v. Festa*, 369 Mass. 419, 429-430 (1976). In these circumstances, the judge should appoint a second, certified court interpreter to resolve the dispute about the interpretation given by the first court interpreter. The second court interpreter acts as an expert witness by providing an opinion as to the correct usage of or meaning of a word or expression that is in dispute. The judge can believe or disbelieve the opinion of the expert witness about the interpretation provided by the first interpreter. The first interpreter should not later perform interpreter services in that same case. Many jurisdictions will not be able to assign different court interpreters



because of a limited number of qualified interpreters. This is another reason to train interpreters and to insist that they understand and comply with the Code of Professional Interpreters.

said to constitute him their joint agent to do for both that in which they have a joint interest.” *Commonwealth v. Vose*, 157 Mass. 393, 394-395 (1892); *Camerlin v. Palmer Company*, 83 Mass. (10 Allen) 539 (1865); *People v. Romero*, 575 N.Y.S.2d 802 (Ct.App. 1991); *U.S. v. Beltran*, 761 F.2d 1 (1st Cir. 1985).

The court interpreter plays an important role in protecting the rights of a non-English-speaking person.<sup>6</sup> A non-English-speaking person is “any principal party in interest or witness participating in a legal proceeding who has limited ability to speak or understand the English language.”<sup>7</sup> It also includes parents of minors who are parties in a civil case.

A judge cannot be expected to train a court interpreter. The office of court interpreter services should be responsible for the training and certification of the court interpreters in your jurisdiction.

### **What a Judge Can Expect from a Certified Court Interpreter**

Many jurisdictions distinguish between a certified interpreter and a noncertified interpreter. A certified interpreter is an individual who has passed an oral and written examination, such as the federal court interpreter’s examination, or an examination administered by a state court or a recognized international agency (e.g., the United Nations) that has been shown to be valid and reliable.<sup>8</sup> There is a growing recognition among professional groups of court interpreters for the need of standardized interstate testing and certification programs.

A court interpreter will speak clearly, in a manner that reflects but does not minimize the tone and emotions of the speaker. A court interpreter should never simplify the questions or statements for a non-English speaker even when the interpreter believes the non-English speaker cannot understand the questions or statements. It is not the obligation of the court interpreter to request an explanation or simplification of the question or statement. The court interpreter must not correct factual errors made in questions put to the non-English speaker and must not correct the testimony of non-English speakers, even if errors are obvious.

As an officer of the court, the court interpreter must remain impartial. A court interpreter is not a liaison or social worker. There should be no unnecessary discussions with the attorneys, parties, or witnesses, either inside or outside the courtroom.

A certified court interpreter will always refer to himself or herself as the “interpreter” when addressing the court. This practice is followed to avoid confusion on the record. For example, if the interpreter did not hear the question posed by the attorney to the witness, the

6 In 1970, the Second Circuit Court of Appeals held that the Sixth Amendment right of confrontation, applicable to the states through the due process clause of the Fourteenth Amendment, required non-English-speaking defendants the right of an interpreter at the government’s expense. *U.S. v. Negron*, 434 F.2d 386 (2d Cir. 1970).

7 Model Interpreter Act, Court Interpretation: Model Guides for Policy and Practice in the State Courts. Williamsburg, Va.: National Center for State Courts, 1995.

8 See *Seltzer v. Foley*, 502 F. Supp. 600 (S.D.N.Y. 1970).

court interpreter will raise his or her hand and address the judge and state, "The interpreter did not hear the question. Would the Court order the attorney to repeat the question?" The judge should then order the attorney to stop turning his or her back to the witness when he or she asks the question and order him to repeat the question. A court interpreter also is obligated to interrupt the proceeding whenever he or she is unable to understand a word or phrase. Again, the court interpreter will signal to court and inform the judge of the problem. The judge can order the attorney to rephrase the question.

If an error occurs in interpretation during a jury trial, the court interpreter should avoid alerting the jury of the problem. In most situations, the problem can be resolved with a brief sidebar conference. The interpreter can explain the problem to the attorneys and the judge. Perhaps the problem can be solved by the judge ordering the attorney to rephrase the question or to simplify the words used in the question. Sometimes, the court interpreter needs to consult a dictionary and may ask, "Your Honor, may the interpreter consult a dictionary (or other source) to clarify the meaning of the word?" The judge can, if necessary, request the services of a second interpreter to resolve the problem. The judge should record and preserve the words or phrases of the foreign language that are in contention for the record. A hearing should be conducted to hear the opinion of the second court interpreter, who in this case acts as an expert witness.

The judge has to rule, in view of the evidence, as to the correct interpretation. If the correct interpretation is different from the original interpretation, the judge must instruct the jury to disregard the first interpretation. The attorney can then repeat the question originally posed to the non-English speaker so that the jury can hear the correct interpretation. Curative instructions will be necessary to inform the jury that the misinterpreted answer is no longer evidence and must be disregarded.

Whenever an objection is made, the court interpreter must interpret everything that is said by the attorney who made the objection and must instruct the witness by a hand gesture not to speak until the court has ruled on the objection. The interpreter must interpret what the attorney or attorneys state to the judge as well as the judge's ruling on the objection. A non-English-speaking witness or party in a civil or criminal case is entitled to hear everything that everyone else hears in the courtroom.

## **Working with a Court Interpreter**

### *When Should an Interpreter Be Appointed?*

An interpreter should be appointed as soon as possible. Frequently, a judge learns that an individual needs an interpreter from court personnel, the session clerk, a probation officer, or the attorneys in a case. The judge should conduct a brief voir dire of the individuals needing the interpreter. The judge should not ask questions that require yes or no answers. I do not ask if they speak English. The judge should ask the persons needing the interpreter questions such as where they live, if they work and what kind of work they do, and how long they have lived in the state. One question the judge should not ask is whether they speak English. The judge should assume that if he or she is alerted about a language problem, the probability is that the assistance of a court interpreter is needed. There are times when the judge may suspect that an individual may be hiding behind an alleged language barrier. It is still best to err on the side of appointing the interpreter than to risk depriving individuals of their day in court.

### *Orienting the Court Interpreter*

It is good practice, when possible, to allow the court interpreter to speak to the attorney who requested the interpreter so that the interpreter may orient himself or herself regarding the specific vocabulary to be used during the trial or hearing. The interpreter will be better prepared if he or she knows the nature of the case, the charges or claims being tried, and who needs the interpreting—a witness, a party in a civil case, or a defendant in a criminal case. The interpreter may request a photocopy of the charges or complaint, grand jury minutes, deposition transcripts, police reports, medical records, or other documents. The judge should inform the attorney representing the party needing the interpreter that the court interpreter has requested an examination of the documents. The interpreter may also want to briefly speak to the party or witness, in the presence of the attorney, to determine the source language, dialect, idioms, and colloquialisms that the witness may use while testifying. It is important for the court interpreter to assess the witness's level of education, accent, and intelligence, which will be helpful in reproducing testimony later in English.

Preparation is especially important in lengthy, complex cases. If the court interpreter makes a request to prepare for the hearing or trial, both parties should be notified.

### *Location and Placement of the Interpreter*

It is the court interpreter's responsibility to place himself or herself so that the interpreter can perform the interpretation comfortably and inconspicuously. The interpreter must be able to see and hear the attorneys and the witness and has an obligation to inform the court if he or she has difficulty hearing because of the noise level in the courtroom. The judge, in turn, has the responsibility to support and assist the interpreter. The judge may ask the attorney to repeat a question or raise his or her voice or may order the attorneys to speak one at a time. If the court interpreter is interpreting for a party at counsel table and the attorney is monolingual, the court interpreter should be seated between the attorney and the party.

### *The Fatigue Factor*

It is very tiring to interpret for long periods of time. If a court interpreter believes that he or she is not able to provide accurate interpretation because of fatigue, it is the obligation of the interpreter to inform the court. The judge should then call a 15-minute recess to allow the interpreter to rest. Some jurisdictions provide for teams of two court interpreters when the proceeding will be longer than two hours. Two court interpreters can relieve each other at periodic intervals and prevent fatigue and delays.

## **Conducting Proceedings Involving Court Interpreters**

### *Take Command of the Proceedings!*

In closing, what follows is a list of what a judge can do to take command of proceedings involving interpreters in court and some recommendations on how to improve court interpretation locally. Remember, the judge is in charge!

1. Advise the non-English speaker not to engage in conversation with the interpreter and to answer only the questions asked. If the non-English speaker does not understand the question, he or she should simply state, "I do not understand the question."

2. Advise the jury at the beginning of the case that the court has assigned an interpreter to assist the defendant or witness who does not speak or understand English.
3. If problems develop during the hearing or trial, require the attorneys to use short sentences. Do not allow the attorneys to show off their command of the English language. Keep it simple!
4. Allow only one attorney to speak at a time.
5. Avoid jargon, slang, colloquialisms, and technical terms: for example, "What score does one have to get on the exam to cut the mustard?"
6. Avoid rhetorical questions and negatives, such as "Did you not . . . ?"
7. Never allow the attorneys to ask compound questions.
8. Discourage questions that begin "Isn't it true that . . . ?"
9. Do not allow anyone, including a judge, to put questions to the interpreter. Questions are put to the witness.
10. Do not allow the witness to enter into a conversation with the interpreter. Instruct the witness not to converse with the interpreter.
11. Do not allow the use of double negatives in questions.
12. If a language problem occurs in a jury trial, use a sidebar conference with the attorneys with the court interpreter present. If the problem appears to be complex, call a recess!
13. Allow the court interpreter to use appropriate hand signals with a witness to regulate the speaker during a lengthy answer. This is necessary for the interpreter who has to use short-term memory to remember a lengthy response.

*Recommendations:*

1. Adopt a local court rule to require the attorneys to notify the clerk's office or the person in charge of assigning interpreters of the need for a court interpreter.
2. Adopt a Code of Professional Responsibility for court interpreters.
3. Require court interpreters to pass a validated certification examination.

**REFERENCES**

Gonzalez, R. R., V. C. Vasquez, and H. Mikkelsen Fundamentals of Court Interpretation: Theory, Policy and Practice. Durham, N.C.: Carolina Academic Press, 1991. Tel.: (919) 489-7486, Fax: (919) 493-5668.

Palma, J. Handbook for the Legal Profession: Working with Interpreters. New York: National Association of Judiciary Interpreters and Translators, 1989. Tel.: (212) 759-4457 and (212) 759-7458.

Hewitt, William E. Court Interpretation: Model Guides for Policy and Practice in the State

Courts. Williamsburg, Va.: National Center for State Courts, 1995. Tel.: (804) 253-2000; Fax (804) 220-0449.

### **The Code of Professional Responsibility\***

#### *Canon 1: Accuracy and Completeness*

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

#### *Canon 2: Representation of Qualifications*

Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

#### *Canon 3: Impartiality and Avoidance of Conflict of Interest*

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

#### *Canon 4: Professional Demeanor*

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

#### *Canon 5: Confidentiality*

Interpreters shall protect the confidentiality of all privileged and other confidential information.

#### *Canon 6: Restriction of Public Comment*

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

#### *Canon 7: Scope of Practice*

Interpreters shall limit themselves to interpreting or translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

#### *Canon 8: Assessing and Reporting Impediments to Performance*

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate judicial authority.

#### *Canon 9: Duty to Report Ethical Violations*

Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing court interpreting and legal translating.

#### *Canon 10: Professional Development*

Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.

**Note:** This code, or one very similar, has been adopted by California, Maryland, Massachusetts, Minnesota, Oregon, New Jersey, Utah, Virginia, and Washington.

Hawaii, Nebraska, and Nevada are considering its adoption.

\* Taken from William E. Hewitt, *Court Interpretation: Model Guides for Policy and Practice in the State Courts*. Williamsburg, Va.: National Center for State Courts, 1995.

## ***Do You Want Your Court Interpreter Ready To Do The Best For Your Case?***

Court interpreters are confronted by a pervasive misunderstanding of our role in legal settings. On the one hand, we're viewed as potential "informants," the holders of privileged attorney/client communications which we might stupidly reveal to opposing counsel or some other sinister party. We're not with 'em, so we must be agin' 'em. On the other hand, we're supposed to be so smart and wonderful that, unlike any other person working in the court, we need no preparation. (12/2/2000 e-mail communication from Marcella Boido, M.A.) We can simply breeze into a courtroom, with no advance knowledge of the case, and with the mere taking of the oath to "interpret faithfully from English into X language, and X language into English", we can magically transform the complicated and esoteric legal testimony of a Supreme Court Justice from Ecuador or, just as easily, instantly reproduce the testimony of an uneducated dishwasher from Vietnam who speaks in a circular, slang-ridden jargon known only to his neighbors in Saigon.

The truth is, certified interpreters are trained professionals who abide by a strict code of ethics that prohibits our revealing privileged information, or any information gathered in the course of our work on a case. Most interpreters are rabid about protecting attorney/client confidentiality. And importantly, we require a certain amount of preparation to accurately

and faithfully interpret for non-English speaking litigants, including the deaf.

Experienced interpreters routinely handle matters such as arraignments, sentences, bail reviews, etc., with little or no preparation. However, testimony, trials and other contested hearings require an interpreter to do some case preparation, because they are far from routine, may entail highly complex or technical vocabulary, and are fraught with the emotions inherent in an adversarial process. Sadly, some courts have actually forbidden interpreters from referring to dictionaries or glossaries during a trial.

Chief Justice Wallace P. Carson, Jr., in Order No. 95-042, established a Code of Professional Responsibility for Interpreters in Oregon Courts. Canon One of the Interpreter Code, under the rubric of Accuracy and Completeness, states: The interpreter has a twofold duty: 1) to ensure that the proceedings in English reflect precisely what was said by a non-English speaking person, and 2) to place the non-English speaking person on an equal footing with those who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language.

Needless to say, an interpreter cannot fulfill this obligation for accuracy and completeness, conserving every element of information, unless properly prepared for a case.



A practicing attorney from Massachusetts, who is also a nationally known interpreter educator and a certified sign language interpreter, writes:

Both the prosecution and the defense can help the interpreter provide an accurate interpretation. It is to the advantage of the defense counsel to aid the interpreter so that clients may have the benefit of a fair hearing before the court. The prosecutor can reduce the chances for a mistrial on the grounds of a poor interpretation by allowing the interpreter access to as much material as is permissible. Any complaints, informations or indictments, expert reports, summaries, case histories, pre-sentence reports, jury instructions, or other pertinent documents which may be released to any other officer of the court, and which would not infringe upon a privilege, should be given to the interpreter as far in advance of the proceeding as is possible.<sup>1</sup>

It is worth noting that certified court interpreters in Oregon are bound, as well, by a very strict code of confidentiality. Canon Six of the Oregon Interpreter Code states:

"The interpreter must protect and uphold the confidentiality of all privileged information obtained during the course of his or her duties. It is

especially important that the interpreter understand and uphold the attorney-client privilege that requires confidentiality with respect to any communication between attorney and client. This rule also applies to other types of privileged communications."

Attorneys may be concerned that an interpreter who asks for materials will divulge privileged information. We do not, cannot, and will not. Some attorneys feel that access to materials or witness preparation will sway our interpretation, or color our point of view.

To the contrary, they provide us with insight, context and specifics so that we can immediately process the source language into the target language (a task which requires more than twenty cognitive skills), with the greatest chance for accuracy, clarity and the emotional impact each witness's testimony is designed to achieve.

Oregon certified court interpreters want only one thing when interpreting for non-English speaking litigants; the chance to interpret accurately—the first time. We need your understanding and cooperation so that we can do our best work. By allowing your assigned interpreter access to the witnesses and materials needed to prepare for the case, you greatly improve our ability to do the very best job for the courts—and your clients.

*Alee' Robbins  
Interpreter Supervisor  
Oregon Judicial Department  
Salem, Oregon*

1. Preparation: More Than Just a Good Idea; Carla M. Mathers, Esquire, CSC, SC:L RID Views, Vol. 16, Issue 8, Aug./Sept. 1999.



# STUDY TAPES AND RECOMMENDED READING

## TAPES

ACEBO Press  
P.O. Box 7485  
Spreckels, CA 93962  
Ph. 831-455-1507  
Fax 831-455-1541

Alexander Rainof  
2835 Colorado Avenue  
Santa Monica, CA 90404  
Ph. 310-828-4950  
Fax 310-828-4911

Alicia Ernand Productions  
P.O. Box 802382  
Santa Clarita, CA 91380-2382  
661-296-4682  
[www.aliciaernand.com](http://www.aliciaernand.com)

Bryan School of Court Reporting  
2511 Beverly Blvd.  
Los Angeles, CA  
Ph. 213-484-8850

## READING

Astiz, Carlos A. (1986). "But They Don't Speak the Language: Achieving Quality Control of Translation in Criminal Courts". The Judges' Journal, Spring, 32-35

Berk-Seligson, Susan. The Bilingual Courtroom: Court Interpreters in the Judicial Process (University of Chicago Press, 1980) ISBN No. 0-226-04371-1. Chapter 2, Law and Language, is particularly useful.

Colin, Joan and Morris, Ruth (1996). Interpreters and the Legal Process. Winchester: Waterside Press.

Conley, John M., and William M. O'Barr. Rules Versus Relationships: The Ethnography of Legal Discourse. University of Chicago Press, 1990.

De Jongh, E.M. (1992). An Introduction to Court Interpreting: Theory and Practice. Lanham, MD: University Press of America.

Edwards, Alicia Betsy (1988). "Ethical Conduct for the Court Interpreter". The Court Manager, 22-25. National Association for Court Management.

Edwards, Alicia B. (1995). The Practice of Court Interpreting. Amsterdam/Philadelphia: John Benjamins.

Frankenthaler, M.R. (1982). Skills for Bilingual Legal Personnel. Cincinnati: South-Western Publishing Company.

Gerver, David & Sinaiko, H. Wallace, Eds. (1978). Language Interpretation and Communication. New York & London: Plenum Press.

Gonzalez, R.D., Vasquez, V.F., and Mikkelsen, H. (1991). Fundamentals of Court Interpretation: Theory, Policy and Practice. Durham, NC: Carolina Academic Press.

Goodrich, Peter. Legal Discourse: Studies in Linguistics, Rhetoric and Legal Analysis (St. Martin's Press, 1987)

Harding, Edith, and Riley, Philip. The Bilingual Family: A Handbook for Parents. Cambridge: Cambridge University Press, 1986; reprinted 1991.

Hewitt, William E. (1995). Court Interpretation: Model Guides for Policy and Practice in the State Courts. Williamsburg, VA: National Center for State Courts.

Katz, Alan N. ed. Legal Traditions and Systems: An International Handbook (Greenwood Press, 1986) ISBN No. 0-313-23830-8

Lederer, Richard. The Miracle of Language. New York: Pocket Books, Simon & Schuster, Inc., 1991.

Loftus, Elizabeth, and Ketcham, Katherine. Witness for the Defense: The Accused, the Eyewitness and the Expert Who Puts Memory on Trial. New York: St. Martin's Press, 1991.

Macrone, Michael. It's Greek to Me! New York: Cader Books, Harper Collins Publishers, 1991.

Marquez, Alex and Marta. The New Interpreters Handbook: A Step-by-Step Guide to Becoming a Professional Interpreter. Anaheim: Iberia Language Press, 1987.

Mellinkoff, David. The Language of the Law (Little, Brown & Co., 1963). A classic work, entertaining reading.

Merryman, John Henry and David S. Clark. Comparative Law: Western European and Latin American Legal Systems (Bobbs-Merrill Co.) ISBN No. 0-672-83379-4

New Jersey Supreme Court Task Force on Interpreter and Translation Services (1985). Equal Access to the Courts for Linguistic Minorities (Final Report). New Jersey.

O'Barr, William. Linguistic Evidence: Language, Power, and Strategy in the Courtroom (Academic Press, 1982)

Rainof, Alexander. "How Best to Use an Interpreter in Court." California State Bar Journal, Vol. 55, No. 5 (May 1980): 196-200.

Rainof, Alexander. "Where Showing the Finger Points to the Truth." California Attorneys for Criminal Justice Forum, Vol. 1-8, No. 4 (July-August 1991): 50-52.

Rembar, Charles. The Law of the Land (Simon & Schuster, 1980) ISBN No. 0-671-24322-5. A good history of the common law legal system for laypersons.

Rieber, Robert and William A. Stewart, eds. The Language Scientist as Expert in the Legal Setting: Issues in Forensic Linguistics (New York Academy of Sciences, 1990)

Roberts, Roda P. (Ed.) (1981). L'interprétation auprès des tribunaux. Ottawa: Editions de l'Université d'Ottawa. (Articles in both French and English)

Shuy, Roger. Language Crimes: The Use and Abuse of Language Evidence in the Courtroom (Blackwell, 1993)

Solan, Lawrence M. The Language of Judges, Chicago: University of Chicago Press, 1994.

Szladits, Charles. Bibliography on Foreign and Comparative Law (Parker School Studies in Foreign and Comparative Law, 1955) Library of Congress No. 55-11076

Tannen, Deborah. That's Not What I Meant! New York: Ballentine Books, 1987; reprinted 1991.

## ONLINE

California Court  
Interpreters

<http://www.courtinfo.ca.gov/programs/courtinterpreters/infopack.htm#THE%20JUDICIAL%20COUNCIL>

- o [Common Questions About The Court Interpreting Profession](#)
- o [Judicial Council of California Court Interpreters Advisory Panel Roster](#)
- o [Suggested Skills-Enhancing Exercises for Interpreters of All Languages](#)
- o [Exercises for Sight Translation](#)
- o [Exercises to Develop and Improve Simultaneous Interpreting Skills](#)
- o [Suggestions for Independent Study](#)
- o [Suggestions for Booksellers Where Foreign Language Books and Reference Materials are Available](#)
- o [List of Interpreter/Translator Training Programs](#)
- o [List of Professional Interpreter Associations](#)
- o [Request for More Information Form](#)

ACEBO

<http://www.acebo.com/papers/pmenu.htm>  
[Verbatim Interpretation: an Oxymoron](#)

[Awareness of the Language of the Law and the Preservation of Register in the Training of Legal Translators](#)

and Interpreters

Interpreting Is Interpreting-Or Is It?

The Court Interpreter as Guarantor of Defendant Rights

On the Horns of a Dilemma: Accuracy vs Brevity in the  
Use of Legal Terms by Court Interpreters

The Professionalization of Community Interpreting

How to strike a balance between the ideal world and  
reality  
(with Hanne Mintz)

Toward a Redefinition of the Role of the Court Interpreter

Court Interpreting at a Crossroads

Plus ça change... The Impact of Globalization and  
Technology on Translator/Interpreter Education

Report from the Front Lines: Multilingual Training-of-  
Trainers for Refugee Interpreters

## ASSOCIATIONS FOR INTERPRETERS AND TRANSLATORS

Agency Name	Internet Address
American Translators Association	<a href="http://www.atanet.org/">http://www.atanet.org/</a>
Bay Area Court Interpreters	<a href="http://www.baci.org">www.baci.org</a>
California Court Interpreters Association	<a href="http://www.ccja.org/">http://www.ccja.org/</a>
California Federation of Interpreters	<a href="http://www.cfinews.org/">http://www.cfinews.org/</a>
California Healthcare Interpreting Association	<a href="http://www.chla.ws/links.php">http://www.chla.ws/links.php</a>
International Association of Conference Interpreters	<a href="http://www.aiic.net/en/default.htm">http://www.aiic.net/en/default.htm</a>
Massachusetts Medical Interpreters Association	<a href="http://www.mmiia.org/">http://www.mmiia.org/</a>
National Association of Judiciary Interpreters and Translators	<a href="http://www.najit.org/">http://www.najit.org/</a>
Northern California Translators & Interpreters Association	<a href="http://www.ncta.org/">http://www.ncta.org/</a>
Northwest Translators and Interpreters Society	<a href="http://www.notisnet.org/">http://www.notisnet.org/</a>
ProZ – Directory of Professional Translation Services	<a href="http://www.proz.com/">http://www.proz.com/</a>
Society of Translators and Interpreters of British Columbia	<a href="http://www.stibc.org/">http://www.stibc.org/</a>
Society of Medical Interpreters	<a href="http://www.sominet.org/">http://www.sominet.org/</a>
The Translators and Interpreters Guild	<a href="http://www.ttig.org/">http://www.ttig.org/</a>
Washington State Court Interpreters and Translators Society	<a href="http://www.witsnet.org/">http://www.witsnet.org/</a>

# INTERNET RESOURCES

RESOURCE NAME	INTERNET ADDRESS	CONTENT
<u>ACRONYMS</u>		
Acronym Finder	<a href="http://www.acronymfinder.com">www.acronymfinder.com</a>	Meaning of acronyms and abbreviations
Acronym Server	<a href="http://silmaril.ie/cgi-bin/uncgl/acronyms">http://silmaril.ie/cgi-bin/uncgl/acronyms</a>	Meaning of acronyms and abbreviations
<u>GENERAL ENGLISH REFERENCE</u>		
Cambridge Dictionaries	<a href="http://dictionary.cambridge.org/default.asp?dicl=a">dictionary.cambridge.org/default.asp?dicl=a</a>	General English Dictionary
Your Dictionary	<a href="http://www.yourdictionary.com/">www.yourdictionary.com/</a>	General English Dictionary
Merriam Webster Dictionary	<a href="http://www.m-w.com/home.htm">www.m-w.com/home.htm</a>	General English Dictionary
American Heritage Dictionary	<a href="http://www.bartleby.com/61/">www.bartleby.com/61/</a>	General English Dictionary
Hyper Dictionary	<a href="http://www.hyperdictionary.com/">www.hyperdictionary.com/</a>	General English Dictionary
Roget's Thesaurus	<a href="http://www.bartleby.com/62/">www.bartleby.com/62/</a>	General English Thesaurus
Indispensable Writing Resources	<a href="http://www.enhancemywriting.com">www.enhancemywriting.com</a>	Writing resources on the web
Guide to Grammar and Style – Jack Lynch	<a href="http://andromeda.rutgers.edu/~jlynch/Writing/">andromeda.rutgers.edu/~jlynch/Writing/</a>	English Grammar
Chicago Manual of Style	<a href="http://www.press.uchicago.edu/Misc/Chicago/cmosfaq/cmosfaq.html">www.press.uchicago.edu/Misc/Chicago/cmosfaq/cmosfaq.html</a>	English Grammar
APA Style Guide	<a href="http://www.psychwww.com/resource/apacrib.htm">www.psychwww.com/resource/apacrib.htm</a>	English Style Guide for Research Papers
Information Please Almanac	<a href="http://www.infoplease.com/">www.infoplease.com/</a>	Misc. General info in English
Encyclopedia Britannica	<a href="http://www.britannica.com/">www.britannica.com/</a>	Misc. General info in English
Encyclopedia.com	<a href="http://www.encyclopedia.com/">www.encyclopedia.com/</a>	Misc. General info in English
MSN Encarta	<a href="http://encarta.msn.com/">encarta.msn.com/</a>	Misc. General info in English

Fact Monster	<a href="http://www.factmonster.com/">www.factmonster.com/</a>	General English Dictionary, Encyclopedia, other
<b>ONLINE DICTIONARIES/REFERENCE MATERIALS MULTILINGUAL</b>		
Your Dictionary	<a href="http://www.yourdictionary.com">www.yourdictionary.com</a>	Multilingual Dictionaries
All Words	<a href="http://www.allwords.com">www.allwords.com</a>	Dictionary – English, Dutch, French, Spanish, Italian & German
Foreign Word	<a href="http://www.foreignword.com/Tools/dictsrch.htm">www.foreignword.com/Tools/dictsrch.htm</a>	Global Dictionary – 69 source languages and 73 target languages
Eurodicautom	<a href="http://europa.eu.int/eurodicautom/Controller">europa.eu.int/eurodicautom/Controller</a>	European Union Terminology Database – 12 languages
From Language to Language	<a href="http://www.langtolang.com/">www.langtolang.com/</a>	Multilingual – English, German, French, Italian, Turkish, Spanish
Language Automation	<a href="http://www.lal.com/lal/glossaries.html">www.lal.com/lal/glossaries.html</a>	Multilingual Glossaries in 64 languages
Pedro's Dictionaries	<a href="http://www.ub.es/dabqm/inicial/babelia.htm">http://www.ub.es/dabqm/inicial/babelia.htm</a>	Dictionary Resources
Martindale's Reference Center	<a href="http://www.martindalecenter.com/Language.html">www.martindalecenter.com/Language.html</a>	Multilingual glossaries, reference, pronunciation guides
Yamada Language Guides	<a href="http://babel.uoregon.edu/yamada/guides.html">babel.uoregon.edu/yamada/guides.html</a>	Language related news groups, mailing lists, fonts
VCU Foreign Language Dept. International Sites and Resources	<a href="http://www.fln.vcu.edu/default.html">www.fln.vcu.edu/default.html</a>	Misc. sources language data
Cecilia Falk Language Links	<a href="http://www.cecliafalk.com/lang.htm">http://www.cecliafalk.com/lang.htm</a>	Multilingual Glossaries
Vancouver Community College	<a href="http://www.legalglossary.ca/dictionary">http://www.legalglossary.ca/dictionary</a>	Multilingual Legal Glossary
The Law Engine – Legal Search Engine	<a href="http://www.thelawengine.com/">www.thelawengine.com/</a>	Legal Search Engine
INS Glossary	<a href="http://www.uscis.gov">www.uscis.gov</a>	English Glossary Immigration Terms
NAJIT Proteus Articles	<a href="http://www.najit.org">www.najit.org</a>	English - Spanish
Duhaime Legal Glossary	<a href="http://www.duhaime.org/dictionary/diction.aspx">www.duhaime.org/dictionary/diction.aspx</a>	English General Legal Dictionary
Glossary of Criminal Justice Terms	<a href="http://www.dps.state.az.us/azvcitms/cjs/glossary.asp">www.dps.state.az.us/azvcitms/cjs/glossary.asp</a>	English – Criminal Justice Terms
Army Technology	<a href="http://www.army-technology.com/glossary">www.army-technology.com/glossary</a>	English Glossary of Terms for Military and Weapons
WWIIA	<a href="http://www.wwfla.org/diction.htm">www.wwfla.org/diction.htm</a>	English Law Dictionary

Lexis-Nexis Lawyers.com Legal Dictionary	<a href="http://www.lawyers.com/legal_topics/glossary/index.php?site=537">www.lawyers.com/legal_topics/glossary/index.php?site=537</a>	English Legal Terms
Internet Legal Research Group	<a href="http://www.ilrg.com/">www.ilrg.com/</a>	Archive of English Legal Forms, State & Federal Statutes, Tax & Business Forms
NOLO'S Law	<a href="http://www.nolo.com/glossary.cfm">www.nolo.com/glossary.cfm</a>	English definitions
Pro Se Handbook	<a href="http://www.uscourts.gov/glossary.htm">www.uscourts.gov/glossary.htm</a>	English Glossary of common terms
US Federal Court Glossary	<a href="http://www.uscourts.gov/library/glossary.html">http://www.uscourts.gov/library/glossary.html</a>	English U.S. Federal Judiciary Glossary of Legal Terms
Beck's Law Dictionary: International Law Terms and Phrases	<a href="http://www.people.virginia.edu/~rjb3v/latin.html">www.people.virginia.edu/~rjb3v/latin.html</a>	English International Law Terminology
The Letric Law Library Reference	<a href="http://www.lectlaw.com/ref.html">www.lectlaw.com/ref.html</a>	English Legal Dictionary and Encyclopedia, Legal Topic Research
American Law Sources Online	<a href="http://www.lawsources.com/also/">www.lawsources.com/also/</a>	Includes "How U.S. Courts Work" in English, French, and Spanish, plus sources of law in the U.S., Canada, and Mexico
Thomson Scientific/Patent Glossary	<a href="http://www.thomsonscientific.com/support/patents/patinf/terms/index.html">www.thomsonscientific.com/support/patents/patinf/terms/index.html</a>	English Patent -Science Glossary
Connecticut Workers Compens. Legal Glossary	<a href="http://wcc.state.ct.us/glossary/glos-a.htm">wcc.state.ct.us/glossary/glos-a.htm</a>	English Workers Compensation Glossary
Divorce Source Inc. Dictionary	<a href="http://www.divorcesource.com/dictionary/dictmenu.html">www.divorcesource.com/dictionary/dictmenu.html</a>	English Glossary of Legal Divorce Terms
Divorce Law Info	<a href="http://www.divorcelawinfo.com/gloss.htm">www.divorcelawinfo.com/gloss.htm</a>	English Legal Terminology Divorce Law
California Assoc of Adoption Agencies	<a href="http://www.california-adoption.org/glossary.html">www.california-adoption.org/glossary.html</a>	English Adoption Legal Terms
The CIA World Fact book	<a href="http://www.cia.gov/cia/publications/factbook/index.html">www.cia.gov/cia/publications/factbook/index.html</a>	
MEDICAL RESOURCES		
Merck Manual	<a href="http://www.merck.com/mfkshared/mmmanual/home.jsp">www.merck.com/mfkshared/mmmanual/home.jsp</a>	Manual of Diagnosis and Therapy
European Commission Technical Medical Glossary	<a href="http://users.ugent.be/~nydstich/eugloss/welcome.html">users.ugent.be/~nydstich/eugloss/welcome.html</a>	Medical Technical Glossary - 9 European languages
Chemical Engineering Virtual Library	<a href="http://www.che.ufl.edu/www-che/">www.che.ufl.edu/www-che/</a>	English Chemical Engineering Data
Spellx Corp Medical and Pharmaceutical Spell Checker	<a href="http://spellx.com/speller.htm">spellx.com/speller.htm</a>	English Medical Spell checker

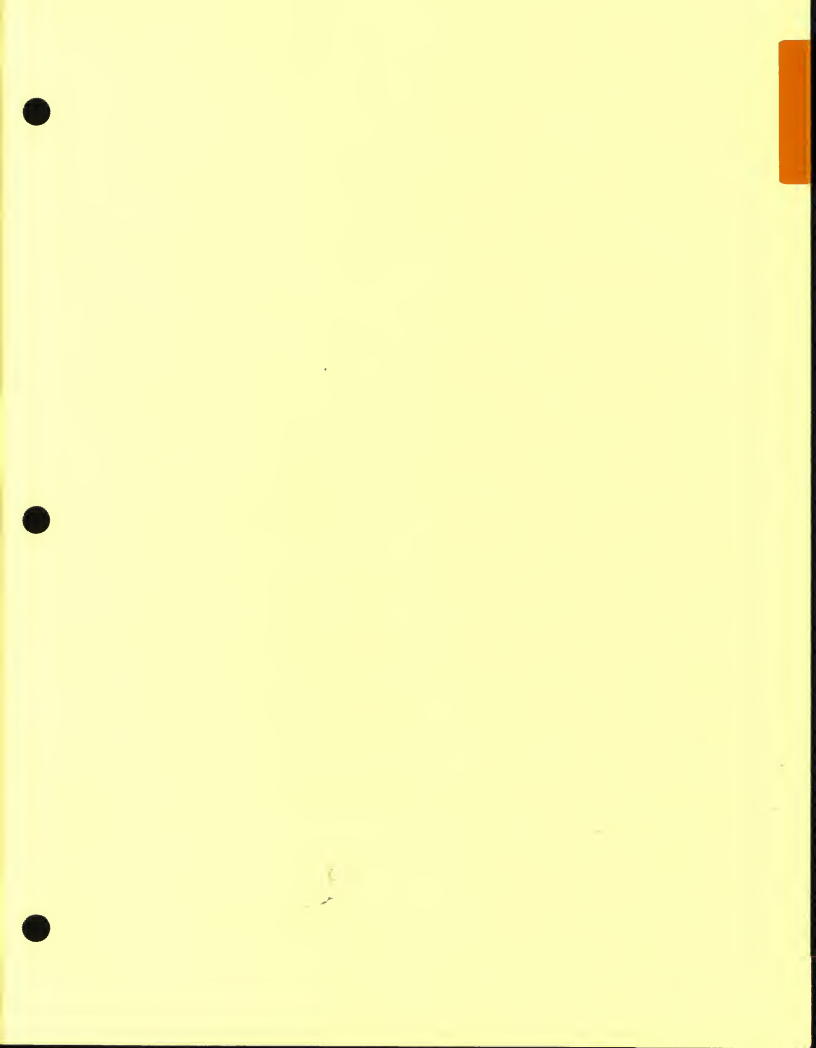


Medical Spell Checker	<a href="http://www.medical-spell-checker.com/">www.medical-spell-checker.com/</a>	English Medical Spell checker
Stedman's Online Medical Dictionary	<a href="http://www.stedmans.com/">www.stedmans.com/</a>	English Medical Dictionary
OTHER SUBJECTS		
Microsoft Glossary	<a href="http://www.microsoft.com/globaldev/tools/MILSGlossary.mspix">http://www.microsoft.com/globaldev/tools/MILSGlossary.mspix</a>	Computer terminology
ADDITIONAL TRAINING		
Bellevue Community College	<a href="http://www.conted.bcc.ctc.edu/translation">www.conted.bcc.ctc.edu/translation</a>	Certificate Program and Workshops
Cross Cultural Health Program	<a href="http://www.xculture.org">www.xculture.org</a>	Medical Interpreting
NOTIS List of Educational Sources	<a href="http://www.nolisnet.org/links/educate.html">www.nolisnet.org/links/educate.html</a>	Additional training sources
WITS Interpreter Courses	<a href="http://www.witsnet.org/programs/INDEXinterpretercourses.htm">http://www.witsnet.org/programs/INDEXinterpretercourses.htm</a>	36 page manual adapted from ACEBO Training Materials
Monterey Institute of International Studies	<a href="http://www.mis.edu/">www.mis.edu/</a>	Summers Only Training for Court Interpreters
Master of Arts in Legal Interpreting	<a href="http://lcwa.cofc.edu/legalint">http://lcwa.cofc.edu/legalint</a>	Court Interpreting
University of Arizona Agnes Haury Institute National Center for Interpretation	<a href="http://www.w3.arizona.edu/%7EEncltrp">www.w3.arizona.edu/%7EEncltrp</a>	Court Interpreting
Vancouver Community College	<a href="http://continued.vcc.ca/interpreting/programcourses.htm">continued.vcc.ca/interpreting/programcourses.htm</a>	Programs in Court and Community Interpreting
The Language Realm by Roger Chriss	<a href="http://www.languagerealm.com">www.languagerealm.com</a>	Information on Translation as a profession
Schools for Translators & Interpreters	<a href="http://www.deraail.com/ltr/schools.html">www.deraail.com/ltr/schools.html</a>	List of educational institutes throughout world
TRAINING MATERIALS		
ACEBO	<a href="http://www.acebo.com/recref.htm">www.acebo.com/recref.htm</a>	Reference works, practice tapes and manuals
California Court Interpreters Unit	<a href="http://www.courtinfo.ca.gov/programs/courtinterpreters/index.htm">www.courtinfo.ca.gov/programs/courtinterpreters/index.htm</a>	Training information
National Center for State Courts	<a href="http://www.ncsconline.org">www.ncsconline.org</a>	Training information

BOOK SOURCES		
Amazon	<a href="http://www.amazon.com">www.amazon.com</a>	
InTrans Book Service	<a href="http://www.intransbooks.com">www.intransbooks.com</a>	Multilingual books and training materials
John Benjamins Publishing Co.	<a href="http://www.benjamins.com/cgi-bin/welcome.cgi">www.benjamins.com/cgi-bin/welcome.cgi</a>	Linguistics, translation studies
Powell's Books	<a href="http://www.powells.com/">www.powells.com/</a>	Multilingual Books
Schoenhof's Foreign Books	<a href="http://www.schoenhofs.com/">www.schoenhofs.com/</a>	Multilingual Books
FNAC Books	<a href="http://www.fnac.com/">www.fnac.com/</a>	French books
BUSINESS INFORMATION		
Multilingual Computing	<a href="http://www.multilingual.com">www.multilingual.com</a>	General, localization, terminology
Working Solo.Com	<a href="http://www.workingsolo.com/">www.workingsolo.com/</a>	Information for independent entrepreneurs
TECHNOLOGY		
E Fax	<a href="http://www.fax4free.com/home.asp">www.fax4free.com/home.asp</a>	Email Fax Services
E Z Voice 3.0	<a href="http://www.internetsoftsolution.com/">www.internetsoftsolution.com/</a>	Internet Voice Mail
Pagoo Internet Voice Mail	<a href="http://downloads-zdnet.com.com/Pagoo-Internet-Voice-Mail/3000-2366-2-10194999.html">downloads-zdnet.com.com/Pagoo-Internet-Voice-Mail/3000-2366-2-10194999.html</a>	Internet Voice Mail
Shareware	<a href="http://www.shareware.com/">www.shareware.com/</a>	Download free software
Download.com	<a href="http://www.download.com/">www.download.com/</a>	Download free software
MISC. DATA		
U.S. Postal Service Zip Code Locator	<a href="http://zip4.usps.com/zip4/welcome.jsp">zip4.usps.com/zip4/welcome.jsp</a>	Zip codes
Babelfish - Machine Translation	<a href="http://babelfish.altavista.com/">babelfish.altavista.com/</a>	Machine translation

MapQuest	<a href="http://www.mapquest.com">www.mapquest.com</a>	Online Maps
Virginia Tech Proofreading Tips	<a href="http://www.ucc.vt.edu/stdysk/proofing.html">www.ucc.vt.edu/stdysk/proofing.html</a>	Proofreading tips
Common Proofreading Symbols	<a href="http://webster.commnet.edu/writing/symbols.htm">webster.commnet.edu/writing/symbols.htm</a>	Proofreading symbols
COURT SERVICES		
Administrative Office of the Courts Washington	<a href="http://www.courts.wa.gov/programs_organ/pos_interpret">www.courts.wa.gov/programs_organ/pos_interpret</a>	Washington State Court Interpreter Program
National Center for State Courts	<a href="http://www.ncsconline.org">www.ncsconline.org</a>	Consortium for State Court Interpreter Certification
AGENCIES		
Translators Cafe	<a href="http://www.translatorscafe.com/cafe/default.asp">www.translatorscafe.com/cafe/default.asp</a>	Agencies, Translator lists
Translators Tips	<a href="http://www.translatorstips.com/">www.translatorstips.com/</a>	Agencies, Translator lists
Translation Directory	<a href="http://www.translationdirectory.com/">www.translationdirectory.com/</a>	Portal for Translators and Agencies





English/Russian  
Legal Glossary  
Юридический Глоссарий





## Superior Court of California County of Sacramento

June 22, 2005

Dear Court Interpreters, Prospective Court Interpreters, and Pro PERS:

Over the past decade, California has seen a tremendous growth in the number of residents for whom English is not their primary language. According to the 1990 U.S. Census Study, over 294 languages and dialects are spoken in California, making it the most diversified state in the nation. In the Sacramento area alone, over 70 languages are spoken in public schools. As is the case with most public agencies, California trial courts are experiencing increased challenges in providing services to our customers, especially towards our goal of providing equal access before the law. Coupled with the inherent language barriers, many of our constituents are also unfamiliar with our legal system and the terminology that courts use in their day-to-day dealings with litigants.

Court interpreters provide a valuable service to the court and the community by interpreting legal proceedings in courtrooms throughout California each day. The job is very rewarding and requires a significant level of written and oral communication skills in English and the foreign language. Added to this requirement is the additional knowledge required of the legal system and the terminology used by judges, lawyers, and witnesses. In an effort to assist court interpreters in providing services to our community and courtroom, the Sacramento Superior Court is pleased to provide a glossary of legal terminology that has been translated into multiple languages. We hope that you will find this a useful tool in your court interpreter career.

Sincerely,

Michael G. Virga  
Presiding Judge

Jody Patel  
Court Executive Officer

# English/Russian Legal Glossary Юридический Глоссарий

Translated from English into Russian by Yana Berrier, Esq.



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2005



#### Disclaimer

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## Legal Glossary

**1203.03 PC MOTION** - Request to cancel, modify, change or terminate probation.

**1203.4 PC MOTION** - Request to take back guilty plea or set aside a guilty verdict, and dismiss the accusations or information. (Made after probation has either terminated or defendant was discharged from probation prior to termination.)

**170.6 PC MOTION** - Request to disqualify the assigned judge from hearing a matter.

**995 PC MOTION** - Request made by a defendant to dismiss a count of information.

**ABANDONMENT** - When a parent leaves a child without enough care, supervision, support, or parental contact for an excessive period of time.

**ABATE** - To put an end to; to cancel out.

**ABATEMENT OF ACTION** - A suit which has been set aside and ended.

**ABDUCTION** - The offense of taking away a wife, child, or ward, by deceitful persuasion, force, or violence.

**ABROGATE** - To repeal or cancel an old law using another law or constitutional power.

**ABSTRACT** - A summary of what a court or government agency does. In Traffic, document that is sent to the Department of Motor Vehicles (DMV) to update driving record.

**ABSTRACT OF JUDGMENT** - Summary of the court's final decision. Can be used as a lien if you file it with the county recorder.

**ABSTRACT OF RECORD** - Short form of the case.

**ABUSE** - (1) immoderate or improper use; (2) to do physical, sexual, or psychological harm to someone.

**ABUSE OF PROCESS** - Misuse of the power of the court.

**ACCESSORY** - A person who helps someone else commit a crime, either before or after the crime.

**ACCIDENT AND MISFORTUNE** - An unintentional event; unforeseen event causing misfortune.

**ACCOMPLICE** - A person that helps someone else commit a crime. Can be on purpose or not.

**ACCORD** - A satisfaction agreed upon between the parties in a lawsuit, which prevents further actions after the claim.

**ACCORD AND SATISFACTION** - Agreement by the parties to settle a claim or dispute in which the parties typically agree to give or accept something.

**ACCRUAL** - The total amount of child support payments that are owed or that are late.

**ACCUSATION** - A formal charge against a person.

**ACCUSED** - The person that is charged with a crime and has to go to criminal court. (See DEFENDANT).

**ACKNOWLEDGMENT** - Saying, testifying, or assuring that something is true.

**ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT** – A court form that the person who wins the case must fill out, sign, and file with the court when the judgment is fully paid. If there are no liens, the back of the *Notice of Entry of Judgment* can be signed and filed with the court (See JUDGMENT CREDITOR, JUDGMENT.)

**ACQUIT** - To legally find the innocence of a person charged with a crime. To set free, release or discharge from an obligation, burden or accusation. To find a defendant not guilty in a criminal trial.

**ACQUITTAL** - When a judge or jury finds that the person on trial is not guilty.

**ACTION** - In court, when one person sues someone else to, defend or enforce a right, stop something bad from happening or fix something, or punish them for a crime.

**ACTION IN PERSONAM** - Proceeding against the person for the recovery of a specific object, usually an item of personal property such as an automobile.

**ACTION IN REM** - Proceeding "against the thing" as compared to personal actions (*in personam*). Usually a proceeding where property is involved.

**ACTIVE STATUS** – A case that is in court but is not settled or decided has active status. (See DISPOSITION, PENDING.)

**ACTUAL LOSS** – This is a showing that the plaintiff or injured party has undergone some loss of property or other thing of value by reason of fraud, forgery, or other illegal action. For the crime of forgery the existence of a specific intent to defraud is an essential element; however, there is no requirement of actual loss to complete the crime.

**AD LITEM** - Comes from Latin meaning for the "purposes of the lawsuit." For example, a *guardian ad litem* is a person appointed by the court to protect the interests of a minor or legally incompetent person in a lawsuit.

**ADD-ON** - Refers to an additional matter that is added to a specific calendar at a time after the initial preparation of the calendar.

**ADDENDUM** - A thing added or to be added.

**ADDITION** – A person who has become emotionally dependent on the use of a drug and the effect is an irresistible need to continue its use and has developed a tolerance to the drug and requires larger stronger doses.

**ADDITUR** - The power of a trial court to increase the amount of an award of money to one party made by jury verdict, as a condition of denial of motion for new trial. The defendant must consent to the increased money award, the plaintiff need not consent.

**ADHESION CONTRACTS** – Contract where one party has no real choice as to its terms.

**ADJOURNMENT** - To put off a court hearing until another time or place.

**ADJUDICATE** - When a judge hears and decides a case.

**ADJUDICATION** - The judge's decision in a case or action.

**ADMIN PER SE** - Latin meaning, "by itself, inherently." Requires the Department of Motor Vehicles (DMV) to automatically suspend or cancel the driver's license of a driver whose blood alcohol content measures more than .08%, or who refuses to take a test to measure his/her blood alcohol level.

**ADMINISTER** – (1) to manage; (2) taking a drug by injection, inhalation, ingestion, or any other means, to the body for that person's immediate needs.

**ADMINISTRATIVE PROCEDURE** – The way an executive government agency makes and enforces support orders without going to court.

**ADMINISTRATIVE REVIEW OR "AR"** – A review of the welfare of a child in long-term foster care by a panel of people selected by the state Department of Health & Human Services (DHHS). The review is conducted at least once a year, in place of a 6-month placement hearing by the Court. The panel reviews a report from DHHS. The review is open to the parents of the child, parents' attorney and child's attorney.

**ADMINISTRATOR** - 1. Man who represents the estate of a person who dies without a will. 2. A court official.

**ADMINISTRATRIX** - Woman who represents the estate of a person who dies without a will.

**ADMISSIBLE** - Pertinent and proper to be considered in reaching a decision.

**ADMISSIBLE EVIDENCE** - Evidence that can be legally and properly be used in court.

**ADMISSION** - Saying that certain facts are true. But not saying you are guilty. (Compare with CONFESSION).

**ADMONISH** - To warn, advise, or scold.

**ADMONITION** - Advice or caution by the court to the jury respecting their duty or conduct as jurors, and the purpose for which evidence may be considered.

**ADMONITION TO JURORS** - What the judge says to the jury about what they must do and how they must behave, what evidence they can use to make their decision (called "admissible" evidence), and how they can use that evidence to make a decision.

**ADOPTION** - The way to make the relationship between a parent and child legal when they are not related by blood.

**ADOPTIVE ADMISSION** – Action by a party that communicates agreement with the statements of another person.

**ADVERSARY SYSTEM** - The system of trial practice in the United States and some other countries in which each of the opposing (or "adversary") parties has the opportunity to present and establish opposing positions before the court.

**ADVERSE WITNESS** – A person called to testify for the other side.

**AFFIANT** - A person who makes and signs an affidavit.

**AFFIDAVIT** - A written statement that someone swears to under oath in front of someone that is legally authorized, like a judge or notary public.

**AFFIRMATION** – When an appellate court says that the lower court's decision was right.

**AFFIRMATIVE DEFENSE** - When a defendant or person responding to a civil case has a reason that would make him or her "not guilty" or not at fault and gives the court new evidence to prove that. The defense has to prove what it says (called BURDEN OF PROOF). The defense has to explain this defense in their ANSWER.

**AFFIRMED** - In appellate courts, it means that the decision of the trial court is correct.

**AFTER ACQUIRED INTENT** - When the defendant did not intend to commit a crime until after the crime had been committed.

**AGENT** - Someone who has authority to act for another.

**AGENCY** - One person acts for or represents another by authority. In Traffic, the department issuing the citation.

**AGGRAVATION** - Circumstances that may be considered as magnifying, or adding to, the degree of punishment.

**AGGRAVATED ARSON** - Aggravated Arson - Deliberately setting fire with specific intent to cause injury or damage structures where defendant has been previously convicted of arson, the damage exceeds \$5m, or at least 5 residences were damaged.

**AGGRAVATED BATTERY** - Unlawful use of force against another such as using a dangerous weapon.

**AGGRAVATED MAYHEM** - Causing permanent disability or disfigurement with specific intent to cause the injury and with extreme indifference to well-being of other person.

**AGGRAVATED TRESPASS** - Unlawfully entering property of another with specific intent to carry out prior threat of serious bodily injury.

**AGGRAVATING FACTORS** - Any factors associated with the commission of a crime which increase the seriousness of the offense.

**AGGREGATE TERM** - The total length of imprisonment

**AGREED STATEMENT OF FACTS** - Statement of all important facts, which all the parties agree is true and correct, and which is submitted to a court for a decision.

**AGREEMENT** - When the people involved in a legal dispute agree about something.

**AID AND ABET** - to help or assist, in committing a crime.

**AIDER AND ABETTOR** - One who has criminal intent and assists another to commit a crime.

**ALLEGE** - To say, declare, or charge that something is true even though it is not proved yet.

**ALLEGED** - Said to be true as described; a person who is accused, but has not yet been tried in court.

**ALLEGATION** - A statement or claim that is made and has not been proved to be true or false.

**ALLEGED FATHER** - A man who may be the father of the child.

**ALIAS** - Known by another name; or means "also known as" which A.K.A. is short for.

**ALIBI** - A defense claim that the accused was somewhere else at the time a crime was committed.

**ALIMONY** - Money the court orders you to pay to a spouse or ex-spouse. (See SPOUSAL SUPPORT).

**ALLOCUTION** - Defendant's statement to try to reduce punishment.

**ALTERATION, FORGERY BY** – Adding, erasing, or changing a document with the specific intent to cause it to appear different from what it originally was intended to be to cheat another person.

**ALTERNATIVE DISPUTE RESOLUTION (ADR)** - Methods of resolving disputes without official court proceedings. These methods include **MEDIATION** and **ARBITRATION**.

**AMEND** - To add to or change a claim that has been filed in court.

**AMENDMENT** - A change made by correction, addition, or deletion.

**AMICUS CURIAE (A-MI'KUS KU'RIE)** - Someone that gives advice to the court about the law in a case, but is not part of the case. Comes from the Latin for "friend of the court."

**ANNOTATION** - A case summary or commentary on the law cases, statutes, and rules.

**ANNUAL REVIEW** - Yearly judicial review.

**ANNULMENT** – A legal action that says your marriage was never legally valid because of unsound mind, incest, bigamy, being too young to consent, fraud, force, or physical incapacity.

**ANONYMOUS** – When someone's name is kept secret.

**ANSWER** - A statement that a defendant writes to answer a civil complaint and says what defense they will use.

**ANTICIPATORY BREACH** - When a person who is to perform as set forth in a contract, clearly indicates to the other party that he will not or cannot perform.

**APPEAL** - When someone that loses at least part of a case asks a higher court (called an "APPELLATE COURT") to review the decision and say if it is right. This is called "to appeal" or "to take an appeal." The person that appeals is called the "APPELLANT." The other person is called the "APPELLEE."

**APPEARANCE** - Going to court. Or a legal paper that says you will participate in the court process.

**APPEARANCE PROGRESS REPORT (APR)** – A court order for a report by the Department of Health and Human Services (DHHS) on an issue requested by the court.

**APPELLANT** - Someone that APPEALS a court's decision. (Compare with APPELLEE.)

**APPELLATE** - Having to do with appeals. An APPELLATE COURT can review a lower court's (called a "TRIAL COURT" or "superior court." Decision. For example, California Court of Appeal review the decisions of the superior courts.

**APPELLATE COURT** - A court that can review how the law was used to decide a case in a lower court.

**APPELLATE JURISDICTION** - The appellate court has the right to review and change the lower court decision.

**APPELLEE** - A person that answers an appeal in higher court.

**ARBITRATION** - When a person that isn't involved in the case looks at the evidence, hears the arguments, and makes a decision. (Compare with **MEDIATION**.)

**ARGUMENT** - Remarks made by an attorney to a judge or jury on the facts of the case or on points of law.

**ARMING CLAUSE** - A conduct enhancement alleging that defendant or an accomplice was armed.

**ARRAIGN** - Process where the person who is accused is brought before the court to hear the criminal charge(s) against him or her and to plead guilty, not guilty or no contest.

**ARRAIGNMENT** - When a person that is accused of committing a crime is taken to court, told about the charges, and asked to plead "guilty" or "not guilty."

**ARREARAGE** - Child support that is overdue or unpaid.

**ARREST** - The legal capture of a person who is charged with a crime.

**ARREST OF JUDGMENT** - Postponing the result of a judgment already entered.

**ARSON** - The malicious burning of someone's own house or of someone else's house, or of someone's commercial or industrial property.

**ASSAULT** - When someone tries or threatens to hurt someone else. Can include violence, but is not battery. (See BATTERY.)

**ASSAULT WITH A DEADLY WEAPON** - When someone tries to hurt someone and there is threat to do bodily harm without justification by use of a weapon like a gun or a knife.

**ASSESSMENT** - Additional charges added to a case.

**ASSIGNEE** - A person or business that is put in the place of the original creditor, such as a collection agency. You can assign your JUDGMENT to another person or business.

**ASSIGNMENT** - Choosing someone to do something. Usually for: Cases - when the court uses a calendar to give (or "assign") cases to judges; Lawyers - when lawyers are chosen (or "appointed") to represent juveniles, conservatees or defendants; and Judges - when judges are sent (or "assigned") to different courts to fill in while other judges are on vacation, sick, etc., or to help with cases in a court.

**ASSIGNMENT OF SUPPORT RIGHTS** - When a person who gets public assistance agrees to give the state any child support they get in the future. The person gets money and other benefits from the state. So the state can use part of the child support to pay for the cost of that public assistance.

**ASSIGNMENT ORDER** - A court order (made after a MOTION that says a JUDGMENT DEBTOR must assign certain rights to the JUDGMENT CREDITOR. Useful for payments that the judgment debtor would usually get, like rent from tenants, wages from the federal government, sales commissions, royalties, a business's accounts receivable, or installment payments on IOUs (also called "PROMISSORY NOTES" or JUDGMENTS).

**ASSUMPTION OF RISK** - A defense to a lawsuit for personal injury. The essence of the defense is that the plaintiff assumed the known risk of whatever dangerous condition caused the injury.

**AT ISSUE** - The time in a lawsuit when the complaining party has stated his or her claim and the other side has responded with a denial and the matter is ready to be tried.

**AT ISSUE MEMORANDUM** - A legal paper filed in a civil case that says the case is ready to go to trial.

**ATTACHMENT** - (1) Document attached to court papers to give more information; (2) A way to collect judgment: by getting a court order that says you can take a piece of property.

**ATTACHMENT FOR DEFAULTER** - A process by the court for the arrest of a person other than a defendant. (See ATTACHMENT, BENCH WARRANT.)

**ATTEMPT** - An effort to do an act or commit a crime.

**ATTEST** - To witness, to affirm to be true or genuine, to certify.

**ATTESTATION** - The act of witnessing something in writing, at the request of a party.

**ATTORNEY** - Someone that is qualified to represent clients in court and to give them legal advice. (See COUNSEL).

**ATTORNEY OF RECORD** - The lawyer whose name is listed in a case record as representing someone in the case.

**ATTORNEY-AT-LAW** - An advocate, counsel, or official agent employed in preparing, managing, and trying cases in the courts.

**ATTORNEY-IN-FACT** - A private person (who is not necessarily a lawyer) authorized by someone to act in his or her place, either for some particular purpose, or for the transaction of business in general. This authority is given in writing, called a power of attorney.

**AUDIT** - When records or accounts are looked at to check that they are right and complete.

**AUTHENTICATE** - To give authority or legal authenticity to a statute, record, or other written document.

**AUTO TAMPERING** - The manipulation of an automobile and its parts for a specific purpose.

**AUTOMATED ADMINISTRATIVE ENFORCEMENT OF INTERSTATE CASES (AEI)** - Part of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) that lets states file, put a lien on, and take property from people in a different state who owe money.

**AUTOMATED VOICE RESPONSE SYSTEM (AVR)** - Phone system that gives information to people over the phone.

**AVERAGE ADULT PERSON** - A hypothetical person who is used as an example of the entire community. This hypothetical person represents the interests of all, including persons religious and irreligious; persons of all nationalities, all adult ages and all economic, educational and social standings; persons with normal, healthy, average contemporary attitudes, instincts and interests concerning sex. (in the context of obscenity)

**BACKLOG** - All the cases that haven't been settled or decided in the time the law says they should be.

**BAD FAITH** - Generally implies actual or constructive fraud, or a design to mislead or deceive another.

**BAIL** - A security deposit (usually money) given to release a defendant or witness from custody and to make sure that they go to court when they're supposed to.

**BAIL BOND** - A legal paper that you buy from a bondsman and give to the court instead of bail. The defendant signs it and is let go. But if they don't come to court when they're supposed to, they must pay the amount of money on the bail bond.

**BAIL BONDSMAN** - Person who is responsible for paying the bond for the defendant's release from jail.

**BAIL EXONERATION** - When you get your bail back. Or when a bail bondsman or insurance ("surety") company isn't responsible for your bail anymore.



**BAIL FORFEITURE** - A court order to let the court keep the bail deposit because the defendant didn't go to court when they were supposed to.

**BAILIFF** - Person who is in charge of security in the court. Bailiffs are picked by sheriffs.

**BAILMENTS** - A delivery of goods from one person to another in trust for purpose of carrying out agreed upon services.

**BAIL NOTICE** - A legal paper from the court that says the court will make a **WARRANT** for arrest unless the defendant goes to court or pays bail.

**BAIL RECEIPT** - A written statement that the court gives a defendant that says bail was paid.

**BAIL REVIEW** - A hearing established to re-evaluate the bail amount that was originally set for the accused.

**BALLARD MOTION** - A motion for psychiatric examination of prosecutor's witnesses (victims).

**BANK LEVY** - Way to enforce a decision against someone who owes money. The money is taken from their checking or savings account at a bank, savings and loan, or credit union.

**BANKRUPT** - The state or condition of a person who is unable to pay his or her debts when they are due.

**BANKRUPTCY** - The legal way for a business or person to get help when they can't pay the money they owe. In bankruptcy court, they can get rid of debts by paying part of what they owe. There are special bankruptcy judges at these hearings.

**BAR** - All of the lawyers qualified to practice law. For example, a state bar includes all of the lawyers qualified to practice law in that state.

**BAR EXAMINATION** - A state examination that is taken in order to be admitted and licensed to practice law.

**BASE TERM** - A term of imprisonment selected by the court according to the Determinate Sentencing Law.

**BATTERED CHILD SYNDROME (B.C.S.)** - Physical condition of a child where external or internal injuries result from acts committed by a parent or custodian.

**BATTERY** - Illegal beating or physical violence or control of a person without their permission. (Compare with **ASSAULT**.)

**BATTERY, SPOUSAL** - An offensive touching or use of force on a spouse without the spouse's consent. See **BATTERY**.

**BEAGLE MOTION** - A request to exclude any reference of the defendant's prior conviction to the jury.

**BEHAVIOR INTERVENTION PLAN** - Plan made by a local educational agency (LEA) as part of an individualized education program (IEP), to change the behavior of students who harm themselves, assault others, or are destructive.

**BENCH** - (1) the desk where a judge sits in court; (2) Judges in general, or a specific judge.

**BENCH CONFERENCE** - A meeting either on or off the record at the judge's bench between the judge, counsel, and sometimes the defendant, out of the hearing of the jury.

**BENCH TRIAL** - Trial without a jury. The judge decides the case.

**BENCH WARRANT** - An order given by the judge (or "bench") to arrest a person who didn't do what the court ordered. For example, didn't go to court when they were supposed to. (See WARRANT, WRIT).

**BENEFICIARY** - Someone who gets something from a trust.

**BENEFIT OF THE BARGAIN RULE** - Rule which provides that a person may recover the difference between the actual value of the property and the value that was represented.

**BEQUEATH** - To leave someone something in a will.

**BEQUESTS** - What you leave someone in a will.

**BEST EVIDENCE** - Primary proof, the best proof available. For example, an original letter is "best evidence," and a photocopy is "secondary evidence."

**BEYOND A REASONABLE DOUBT** - The burden of proof in a criminal case requiring that the jury be convinced that every element of a crime has been proven by the prosecution.

**BIAS** - A pre-conceived opinion or a predisposition to decide a cause or an issue a certain way.

**BIFURCATE** - To try issues separately, such as guilt and criminal responsibility in a criminal proceeding or liability and damages in a civil action.

**BIFURCATION MOTION** - A request to change the order in which issues are heard at trial.

**BILL OF PARTICULARS** - A statement of the details of the charge made against the defendant.

**BIND** - To make yourself or someone else legally responsible for something.

**BIND OVER** - A judge's decision before a trial that says there is enough evidence for a trial.

**BLOOD-ALCOHOL CONTENT (BAC)** - The measurement in grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

**BLOOD TEST** - Testing someone's blood sample to: (1) see how much of a certain chemical is in the blood, (2) see who is the parent of a child.

**BODY ATTACHMENT** - A written order issued by a court directing a peace officer to take custody of someone and bring them before the court: 1) A witness who fails to comply with a subpoena, 2) a party who fails to comply with a court order in a civil action, or 3) a material witness in a criminal case.

**BONA FIDE** - Sincere, real without fraud or deceit. Comes from the Latin "in good faith."

**BOND** - A certificate or evidence of a debt.

**BOOK (BOOKING)** - What the police do when they arrest someone. Includes taking fingerprints, photographs, and writing down personal information about the person.

**BOOKING NUMBER** - The number assigned to the criminal record that corresponds to the person's arrest.

**BOOKMAKING** - Collecting the bets of others or making odds on future gambling events.

**BRADY MOTION** - A motion made by defense when they believe the District Attorney has not turned over exculpatory and material evidence.

**BRANDISHING A WEAPON** - Showing a weapon to another person, typically the police or the victim.

**BREACH** - The breaking or violating of a law, right, obligation, or duty either by doing an act or failing to do an act.

**BREACH OF PEACE** - Every person who unlawfully fights in a public place or willfully and maliciously disturbs another person by loud and unreasonable noise, or in a public place, says offensive words to one or more persons which are likely to start an immediate violent reaction.

**BREAKING AND ENTERING** - Going into someone's house at night with intent to commit a felony.

**BREATHALYZER TEST** - Testing someone's breath to see how much alcohol is in their blood.

**BRIBE** - A gift, not necessarily of monetary value, given to influence the conduct of the receiver.

**BRIEF** - A written statement that each side gives the court to say why the court should decide that they are right.

**BURDEN OF PROOF** - When one person in the case has to prove more than the other person.

**BURGLARY** - When someone unlawfully breaks into or enters a building or home, and they intend to or do commit a theft or other serious crime.

**BYSTANDERS** - A chance onlooker; one who has no concern with the business being conducted.

**CALENDAR** - A list, in alphabetical order, of all the cases in each courtroom every day. "To calendar" something means to give a day, time, and courtroom to a case.

**CALIFORNIA RULES OF COURT** - The rules for practices and procedures in California's state courts.

**CALJIC** - California Jury Instructions, Criminal.

**CALLING THE DOCKET** - The public calling of the docket or list of causes at the beginning of court, for setting a time for trial or entering orders.

**CAPACITY** - The person with the ability to perform under his or her will.

**CAPITAL CASE** - A criminal case where the defendant can get the death penalty.

**CAPITAL CRIME** - A crime punishable by death.

**CAPITAL OFFENSE** - A crime that you can get the death penalty for committing.

**CAPITAL PUNISHMENT** - Punishment by death. (See DEATH PENALTY.)

**CAPTION** - What is written at the top of all papers (called "pleadings") given to the court. It says things like case name, court, and case number.

**CARJACKING** - Taking a motor vehicle that belongs to someone else against his will, by means of force or fear.

**CASE** - A lawsuit. Or a complaint filed in criminal, traffic, or civil court.

**CASE FILE** – The folder that has official court papers for a case.

**CASEFLOW MANAGEMENT** – How a case is managed from the first paper filed to the final decision.

**CASE ID** – Identification number given to case by the court.

**CASE LAW** - Law made by earlier decisions in similar cases.

**CASELOAD** – The number of cases a judge has in a specific time.

**CASE NUMBER** - The number that identifies a case. This number is on all papers filed in the case. Also called "case ID." Also called **DOCKET NUMBER**.

**CAUSATION** - The act which causes something else to happen.

**CAUSE** - A lawsuit, litigation, or action.

**CAUSE OF ACTION** - The charges that make up the case or lawsuit. (See **COUNTS**).

**CAUSTIC CHEMICALS** – Corrosive acid or flammable substance.

**CAUTIONARY INSTRUCTIONS** – When the judge tells the jury to consider certain evidence only for a specific purpose.

**CAVEAT** - A warning; a note of caution.

**CAVEAT EMPTOR** - A theory that says you buy things at your own risk. Comes from the Latin for "let the buyer beware."

**CEASE AND DESIST ORDER** - An order of an administrative agency or court prohibiting a person or business from doing something.

**CERTIFICATE OF PROBABLE CAUSE** - An order signed by the court granting a defendant the right to appeal from a plea of guilty.

**CERTIFICATION** - A judge's order to move a criminal case to another court in a different county.

**CERTIFIED** - Saying that something is true or an exact reproduction.

**CERTIFIED COPY** - An official copy of a paper from a case file that is marked as being true, complete, and a real copy of the original legal case.

**CERTIORI** - Appeal to U.S. Supreme Court.

**CHAIN OF CUSTODY** - A method to track the whereabouts of evidence from the moment it is received in custody until it is offered in court.

**CHALLENGE** - Someone's right to object to or fight something in a legal case.

**CHALLENGE FOR CAUSE** - Reasons that a lawyer gives for removing a juror or judge from a case. (Compare with **PEREMPTORY CHALLENGE**.)

**CHALLENGE TO THE ARRAY** - Questioning the qualifications of an entire jury panel, usually on the ground of partiality or some fault in the process of summoning the panel.

**CHAMBERS** - A judge's private office.

**CHANGE OF VENUE** - When a civil or criminal case is moved from one court jurisdiction to another. (See VENUE).

**CHARACTER EVIDENCE** - Evidence pertaining to whether a criminal defendant is a good or bad person.

**CHARGE** - In criminal law, each thing the defendant is accused of. (See COUNT).

**CHARGE TO THE JURY** - The judge's instructions to the jury concerning the law that applies to the facts of the case on trial.

**CHARGING DOCUMENT** - A written accusation saying a defendant has committed an offense. Includes a citation, an indictment, information, and statement of charges.

**CHATTEL** - A piece of personal property.

**CHIEF JUDGE** - Presiding or Administrative Judge in a court.

**CHILD ABUSE** - Hurting a child physically, sexually or emotionally.

**CHILD ABDUCTION** - The offense of taking away a child by deceit and persuasion, or by violence.

**CHILD MOLESTATION** - Any form of indecent or sexual activity on, involving, or surrounding a child under the age of 18.

**CHILD PORNOGRAPHY** - Any obscene material that depicts a person under the age of 18 years personally engaging in or personally simulating sexual conduct.

**CHILD PROCUREMENT** - Intentionally giving, transporting, providing, or making available or offering to give, transport, provide, or make available a child under the age of 16 for the purpose of any lewd or lascivious act. Also causing, inducing, or persuading a child under the age of 16 to engage in any lewd or lascivious act with another person.

**CHILD SUPPORT** - Money paid by a parent to help support a child or children.

**CHILD SUPPORT ENFORCEMENT (CSE) AGENCY** - Agency that exists in every state to find parents that don't have custody. (called "noncustodial parents," or "NCPs"). Or to find a person assumed to be the father of the child ("Putative father" or "PF"). Also, makes, enforces, and changes child support. Collects and gives out child support money.

**CIRCUMSTANTIAL EVIDENCE** - All evidence that is indirect. Testimony not based on actual personal knowledge or observation of the facts in dispute.

**CITATION** - A COURT ORDER or SUMMONS that tells a defendant what the charges are. Also tells the defendant to go to court and/or post bail.

**CITED** - When a defendant is not in custody, but has signed a ticket promising to go to court on a certain day.

**CIVIL ACTION** - Noncriminal case in which one private individual or business sues another to protect, enforce private or civil rights.

**CIVIL CASE** - A lawsuit to get property back, to force someone to complete a contract, or to protect someone's civil rights.

**CIVIL JURISDICTION** – A court's right or power to hear noncriminal civil cases.

**CIVIL PROCEDURE** - The rules and process by which a civil case is tried and appealed, including the preparations for trial, the rules of evidence and trial conduct, and the procedure for pursuing appeals.

**CIVIL PROCESS** – Court papers that tell the people in a civil case that it has started. Or papers that try to force the court to reach a judgment.

**CIVIL RIGHTS VIOLATIONS** – Violations of the personal, natural rights guaranteed and protected by the Constitution.

**CLAIM** - The statement of a right to money or property.

**CLAIM OF EXEMPTION** – A court paper filed by the JUDGMENT DEBTOR that lists each piece of property that the judgment debtor claims is an exempt asset under certain provisions of the law and, therefore, can't be taken to pay the JUDGMENT.

**CLAIM SPLITTING** – When you split up a civil claim and file two lawsuits to stay below the limit of how much money you can ask for. Not allowed in most cases.

**CLASS ACTION** - A lawsuit brought by one or more persons on behalf of a larger group.

**CLEAR AND CONVINCING EVIDENCE** - Standard of proof commonly used in civil lawsuits and in regulatory agency cases. It governs the amount of proof that must be offered in order for the plaintiff to win the case.

**CLEMENCY OR EXECUTIVE CLEMENCY** - Act of grace or mercy by the president or governor to ease the consequences of a criminal act, accusation, or conviction. It may take the form of *commutation* or *pardon*.

**CLERICAL ERROR** - An unintentional mistake, in writing, which may be made by clerk, counsel, or court. (See NUNC PRO TUNC.)

**CLERK** - Officer of the court who files pleadings, motions, judgments, etc., issues process, and keeps records of court proceedings.

**CLERK'S TRANSCRIPT** - Those pleadings, minute orders, affidavits, written opinions of the Court, trial exhibits, etc., designated by the attorneys which have been filed during the course of the litigation process are put together with the appeal documents and collectively form the Clerk's Transcript.

**CLOSING ARGUMENT** - Counsel's final statement to the judge/and or jury after all parties have concluded their presentation of evidence.

**CODE** - The law created by statutes. For example, the California Code of Civil Procedure, California Civil Code, California Vehicle Code, California Penal Code, and California Health and Safety Code.

**CODE OF PROFESSIONAL RESPONSIBILITY** - The rules of conduct that govern the legal profession. The Code contains general ethical guidelines and specific rules written by the American Bar Association.

**CO-DEFENDANT** - In a criminal case, an individual charged with involvement in the same crime as another.

**CODICIL** (kod'i-sil) - A legal paper that adds to or changes a will.

**COERCION** – Compulsion; constraint; compelling by force or arms or threat.

**COHABITANT** – One who lives with another.

**COLLATERAL** - 1. Property that is pledged as security against a debt. 2. A person belonging to the same ancestry (a relation), but not in a direct line of descent.

**COLLATERAL ATTACK** - An attack on a judgment other than a direct appeal to a higher court.

**COMBUSTIBLE MATERIAL OR DEVICE** – Capable of blowing up; apt to catch fire; inflammable.

**COMMISSIONER** - A person chosen by the court and given the power to hear and make decisions in certain kinds of legal matters.

**COMMIT** - To do something, like "to commit" a crime, or to put someone in a sheriff's custody. Or to use a court order to send a person to jail.

**COMMITMENT** - 1. The action of sending a person to a prison or mental institution. 2. The order directing an officer to take a person to a prison or mental institution.

**COMMITMENT ORDER** - A court order that says a person must be kept in custody, usually in a jail or mental institution.

**COMMON BARRATRY (also called BARRETRY)** – Making a habit of starting fights or lawsuits. Starting lawsuits without a good reason.

**COMMON CARRIER** – Required by law to carry passengers or freight without refusal if the fare is paid; in contrast to a private or contract carrier.

**COMMON LAW** - Laws that come from court decisions and not from statutes ("codes") or constitutions.

**COMMUNITY OBLIGATIONS** – Debts that a husband and wife owe together. In most cases, that includes anything that you still owe on any debts either of you had during the time you were living together as husband and wife. For example, if you bought furniture on credit while you were married and living together, the unpaid balance is a part of your community obligations.

**COMMUNITY PROPERTY** - Everything that a husband and wife own together. In most cases that includes: (1) Money or benefits like pensions and stock options that you now have which either of you earned during the time you were living together as husband and wife; and (2) Anything either of you bought with money earned during that period.

**COMMUNITY SERVICE** - Work performed as punishment for a crime. It may also be performed instead of a fine, or as a condition of probation.

**COMMUTATION** - The reduction of a sentence, such as from death to life imprisonment.

**COMPARATIVE FAULT** – Percentage of fault which is assigned to any one party.

**COMPARATIVE NEGLIGENCE** - A legal doctrine by which acts of the opposing parties are compared to determine the liability of each party to the other for negligent acts.

**COMPENSATORY DAMAGES** – Money that one person must pay another to cover the cost of a wrong or injury. (See DAMAGES).

**COMPETENCE ORDER** – An order from a superior court that says that a defendant is mentally able to go to trial. Tells the trial court to go ahead with the criminal case.

**COMPETENCY** - The ability for a person to understand and communicate, especially with regard to standing trial and assisting counsel in his or her defense.

**COMPLAINANT** - Person who wants to start a court case against another person. In a civil case, the complainant is the PLAINTIFF. In a criminal case, the complainant is the state.

**COMPLAINT** - The legal document that usually begins a civil lawsuit and is also used to start a criminal case. Says what the plaintiff thinks the defendant did and asks the court for help. Also called the "initial pleading" or "petition."

**COMPLY** - To act in accordance with, to accept, to obey.

**COMPOSITE DRAWING** - A picture of an alleged criminal created by a professional police artist using verbal descriptions given by the victim or a witness.

**CONCEALMENT** - Withholding of something which one knows and which one, in duty, is bound to reveal.

**CONCILIATION** - A form of alternative dispute resolution in which the parties bring their dispute to a neutral third party, who helps lower tensions, improve communications, and explore possible solutions. Similar to mediation, but it may be less formal.

**CONCURRENT JURISDICTION** - The territory of two or more courts, that are each authorized to deal with the same subject matter.

**CONCURRENT PLANNING** - Refers to the legal requirement in dependency cases that reunification services be provided at the same time an alternative plan is developed (e.g., adoption, guardianship) if needed.

**CONCURRENT SENTENCES** - Sentences you can serve at the same time. For example, if you have concurrent sentences of 10 years and 5 years, you must serve a total of 10 years. (Compare with CONCURRENT SENTENCES).

**CONCURRING CAUSES** - Acting contemporaneously and together causing injury, which would not have resulted in absence of either.

**CONDEMNATION** - The legal process by which the government takes private land for public use, paying the owners a fair price. (See EMINENT DOMAIN.)

**CONDITIONS** - Certain things that someone has to do, or not do, to be released.

**CONDITIONAL RELEASE** - Freedom from custody which regulates the activities and associations of the defendant. If a defendant fails to meet the conditions, the release is cancelled.

**CONDUCT ENHANCEMENTS** - A kind of punishment-enhancing allegation (such as the arming clause of Penal Code section 12022) that relates to the nature of the offense at the time the crime was committed.

**CONFESSION** - When someone admits out loud or in writing that they committed a certain kind of crime. (Compare with ADMISSION).

**CONFESSION OF JUDGMENT** - The act of a debtor in a written statement that permits judgment to be entered against him by his creditor, without legal proceedings.

**CONFIDENTIAL** - A file or record that is not available for public viewing. Authorized viewing allowed only in statute and/or court policy. Files and records are identified and receive special handling.



**CONFIDENTIAL RECORD** – Information in a court case that is not available to the public.

**CONFIDENTIALITY** – Treated as private and not for publication.

**CONFISCATE** - To seize or take private property for public use (the police took the weapon).

**CONFLICT OF INTEREST** - When you have two different interests at the same time. For example, a lawyer who represents two sides at the same time can't be fair.

**CONFORM COPIES** - To make copies identical to an original; e.g., copies with duplicate signatures, duplicate dates.

**CONFRONTATION RIGHT** – Defendant's right to be face-to-face with the witnesses against him or her. It generally includes the right to ask questions and object, and to have witnesses testify in person.

**CONSANGUINITY – COLLATERAL** - The relationship that exists between persons who have the same ancestors, but who do not descend, or ascend, one from the other; as between uncle and nephew.

**CONSANGUINITY – LINEAL** - The relationship that exists persons of whom one is descended in a direct line from the other, as between son, father, grandfather, and so upwards in the direct ascending line; or between son, grandson, great-grandson, and so downwards in the direct descending line.

**CONSECUTIVE SENTENCES** - Successive sentences, one beginning at the end of another, imposed against a person convicted of two or more violations.

**CONSERVATEE** - Someone who can't take care of themselves and has a caretaker (called the "CONSERVATOR") who the court picked.

**CONSERVATOR** - Someone picked by the court to either take care of someone who can't take care of themselves (called a "CONSERVATEE") or take care of that person's property, or both.

**CONSERVATORSHIP** - A court proceeding where a judge picks someone (a conservator) to take care of an adult's personal needs and/or his or her finances. For minors, see GUARDIANSHIP.

**CONSENT** – A written agreement to obey a decision or deal.

**CONSIDERATION** - The cause, price, or impelling influence which makes a party enter into a contract.

**CONSOLIDATION OF ACTIONS** – When at least two cases that involve the same people are grouped together.

**CONSORTIUM, LOSS OF** – Unable to have a sexual relationship between a husband and a wife.

**CONSPIRACY** – Where two or more persons intentionally agree to commit crime and do an act towards committing the crime.

**CONSTRUCTIVE POSSESSION** - Where a person does not actually possess a thing, but knowingly has control over it.

**CONSTITUTION** – The central law of our country that sets up the creation, character, and organization of its power and how that power is exercised. The rule, principles, descriptions of the government's power, and the main rights that the people of a country or state have.

**CONSTITUTIONAL RIGHT** - A right guaranteed by the U. S. Constitution, interpreted by the federal courts; also, a right guaranteed by some other constitution (such as a state constitution).

**CONTEMNOR** - One who has committed contempt of court.

**CONTEMPORARY COMMUNITY STANDARD** - What is, objectively acceptable to the community as a whole. Ascertainment of the standard must be based upon an objective determination of what is unacceptable to the community as a whole. Your own personal, social, or moral views on the material involved in the case may not be considered.

**CONTEMPT (OF COURT)** - Disobeying a court order. Punishment can be a fine or jail.

**CONTINUANCE** - Putting off a court case to a later date. (See ADJOURNMENT).

**CONTINUING EXCLUSIVE JURISDICTION** - Theory that only one support order should be valid between the same people at a time. And when a court hears a child support case, it can add to and change that order. The court of continuing exclusive jurisdiction has control over a support case until another court takes it away. This is defined in the Uniform Interstate Family Support Act (UIFSA).

**CONTRACT** - (1) an agreement between two or more people to do or not to do a particular thing; (2) an agreement between two or more people that makes, changes, or ends a legal relationship.

**CONTRIBUTORY NEGLIGENCE** - A legal doctrine that says if the plaintiff in a civil action for negligence also was negligent, in any way, he or she cannot recover damages from the defendant for the defendant's negligence.

**CONTROLLED SUBSTANCES** - Any drug identified by law whose availability is restricted. Unless otherwise specified, a drug, substance, or immediate precursor which is listed in any schedule in Health & Safety Code sections 11054, 11055, 11056, 11057 or 11058.

**CONVERSION** - The wrongful assumption of ownership over the goods or personal property belonging to another.

**CONVEY** - (1) to give the title to property to someone else. (2) to make known or communicate.

**CONVICT** - (1) A person who has been found guilty of a crime and is serving a sentence for that crime; a prison inmate. (2) To find a person guilty of an offense by either a trial or a plea of guilty.

**CONVICTION** - When a judge or jury finds a criminal defendant guilty.

**CORONER** - Public official charged to inquire into the causes and circumstances of any death which occurs through violence or suddenly (suspicious causes).

**CORPORATION** - A group of persons who get a charter granting them as a body certain legal powers, rights, privileges, and liabilities as an individual.

**CORPUS DELECTI** - Body of the crime. The objective proof that a crime has been committed. It sometimes refers to the body of the victim of a homicide or to the charred remains of a burned house, but the term has a broader meaning. For the state to introduce a confession or to convict the accused, it must prove the occurrence of a specific injury or loss and a criminal act was the source of that particular injury or loss.

**CORROBORATE** - To support with evidence or authority; make more certain.

**CORROBORATING EVIDENCE** - Supplementary evidence that tends to strengthen or confirm the initial evidence.

**CORROBORATION** - Confirmation or support of a witness' statement or other fact.

**CORRUPTLY** - Dishonestly.

**COSTS** - (1) Fees and charges that a party pays to file and present a court case or to enforce a judgment; (2) money won in a civil suit to pay for expenses.

**COUNSEL** - One or more lawyers who represent a client. Also, legal advice. (See ATTORNEY).

**COUNSEL TABLE** - The physical location where the defense and prosecuting parties are seated during the trial.

**COUNT** - Each separate charge (or statement) in a criminal case. (See CHARGE).

**COUNTERCLAIM** - An independent charge by one side in a case (either the plaintiff or defendant) that goes against the claim made by the other side.

**COUNTERFEIT** - To forge, to copy or imitate, without authority or right, and with the purpose to deceive by passing off the copy as genuine.

**COUNTY JAIL** - A building or structure used to put alleged criminals and/or convicted criminals of local area crimes.

**COURT** - A judge or group of judges whose job is to hear cases and carry out justice. (See BENCH.)

**COURT APPOINTED SPECIAL ADVOCATES (CASA)** - These are volunteers who represent abused and neglected children.

**COURT ATTENDANT** - Provide courtroom support in selected courtrooms by performing limited security-related and clerical duties and serving as the court liaison for juries, witnesses, attorneys and the public.

**COURT ADMINISTRATOR/CLERK OF COURT** - An officer appointed by the Court or elected to oversee the administrative, non-judicial activities of the court.

**COURT APPOINTED COUNSEL** - A defense attorney assigned by the court to represent a defendant who cannot afford to hire an attorney.

**COURT COSTS** - The expenses of prosecuting or defending a lawsuit, other than the attorneys' fees. An amount of money may be awarded to the successful party (and may be recoverable from the losing party) as reimbursement for court costs.

**COURT OF RECORD** - A court in which the proceedings are recorded, transcribed, and maintained as permanent records.

**COURT ORDER** - A decision made by a judicial officer that gives someone certain rights or tells someone to do something.

**COURT REPORTER** - Someone who writes down, word for word, what is said in court. What is recorded is called a TRANSCRIPT.

**COURT TRIAL** - A trial without a jury. A judge decides the case.

**COURT, APPEALS** - In some states, the highest appellate court, where it is the Court's decision whether to hear the case.

**COURT, DISTRICT** - (1) Federal - A trial court with general Federal jurisdiction. (2) State - Meaning varies from state to state.

**COURT, JUVENILE** - A court having jurisdiction over cases involving children under a specified age, usually 18. Cases generally involve delinquent, dependent, and neglected children.

**COURT, NIGHT** - A specialized court that deals with cases during the late evening and early morning hours.

**COURT, SUPERIOR** - Trial court; meaning varies from state to state.

**COURT, TRAFFIC** - A specialized court that hears crimes dealing with traffic offenses.

**COURTESY NOTICE** - A notice made by a computer that is usually sent for traffic violations to tell a defendant about a court date, bail, etc.

**COURTROOM** - The section of a courthouse in which the judge presides over the proceedings.

**COURTROOM CLERK** - Courtroom personnel who attends court sessions and prepares record of court proceedings in conformance with statutes, policies, and the direction of a Judge; swears in witnesses and juries; maintains exhibits offered in evidence.

**CREDIBILITY** - The quality in a witness which makes his or her testimony believable.

**CREDIT** - Arrangement or understanding by the maker of a check with the person/institution upon which the order is drawn, for the payment of that check upon its presentation.

**CRIME** - Something you do, or don't do, that breaks a law. If you are found guilty, you can be punished by: death; jail or prison; fine; being removed from office; being unable to hold any office of honor, trust, or profit.

**CRIMINAL** - Someone convicted of a felony or a misdemeanor.

**CRIMINAL CASE** - A court case that starts because of a crime.

**CRIMINAL CONDUCT** - The nature of or involving a crime.

**CRIMINAL INSANITY** - Lack of mental ability to do or keep from doing a particular act; not able to distinguish right from wrong.

**CRIMINAL NEGLIGENCE** - Act(s) which are aggravated, reckless or flagrant and which depart from the conduct of an ordinarily prudent, careful person under the same circumstances as to be contrary to a proper regard for human life or to constitute an indifference to the consequences of those acts.

**CRIMINAL RECORD** - (1) Arrest record. A written account listing all the instances in which a person has been arrested. (2) A form completed by a police officer when a person is arrested.

**CRIMINAL STREET GANG** - An ongoing organization, association, or group of three or more persons, having as one of its primary activities the commission of one or more criminal acts, having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

**CRIMINAL SUMMONS** - An order commanding an accused to appear in court.

**CROSS-CLAIM** - A claim filed by defendant(s) or plaintiff(s) against each other.

**CROSS-EXAMINATION** - When the other side's lawyer asks a witness questions in a hearing or trial.

**CUMULATIVE SENTENCES** - Sentences for two or more crimes to run a consecutively, rather than concurrently. (See **CONCURRENT SENTENCES AND CONSECUTIVE SENTENCES**.)

**CUSTODIAL PARENT** - The parent that has primary care, custody, and control of the child(ren).

**CUSTODY** - (1) When someone is under the physical control of the court to make sure they go to court when they're supposed to; (2) when the judge sends a person to jail after they are found guilty of a crime; (3) the care and control of children.

**CUSTODY ORDER** - A court order that says who a child will live with and who should make decisions about health care, education, and other important things.

**CUSTOM** - A usage or practice of the people, which, by common adoption and acquiescence, has become compulsory.

**DAMAGES** - Money that the losing side must pay to the winning side to make up for losses or injuries. There are two kinds of damages: (1) "compensatory," meaning money to pay for the actual cost of an injury or loss; and (2) "punitive" or "exemplary," meaning an amount of money that's more than the actual damages. This is a punishment for willful or malicious acts.

**DEADLY WEAPON** - Any weapon, instrument or object that is capable of being used to inflict death or great bodily injury.

**DEATH PENALTY** - Death imposed by the state as punishment for a serious crime. (See **CAPITAL PUNISHMENT**.)

**DEATH ROW** - The area of a state or federal prison where criminals who are sentenced to death are confined until their sentence is commuted or carried out.

**DECEDENT** - In criminal law, it means a murder victim; in probate law, it means a dead person.

**DECISION** - A court's judgment or decree that settles a dispute. (See also **DECREE, JUDGMENT**.)

**DECLARATION** - A statement that a person writes and files with the court. It tells the judge why the person should win the case. Sometimes, a person signs this under penalty of perjury.

**DECLARATION OF PATERNITY** - Form signed by unmarried parents, generally at the hospital, where the parents declare who is the father of the child.

**DECLARATORY JUDGMENT** - A judgment of the court that explains what the existing law is or expresses the opinion of the court without the need for enforcement.

**DECREE** - A court decision. It can be (1) "interlocutory," which means it is not a final decision, or (2) "final," which means all issues of the case are settled.

**DE FACTO PARENT** - A person found by the court to have assumed, on a day-to-day basis, the role of parent, fulfilling both the child's physical and psychological needs for care and affection, and who has assumed that role for a substantial period.

**DE FACTO** - To exercise power in a juvenile dependency case. Latin meaning "from the fact."

**DEFAMATION** - When one person hurts another person's character, fame, or reputation by making false and malicious statements that are not protected by law.

**DEFAULT** - When a defendant in a civil case doesn't file an answer or go to court when they're supposed to, but was properly notified.

**DEFAULT JUDGMENT** - A court decision in favor of the plaintiff when the defendant doesn't answer or go to court when they're supposed to.

**DEFENDANT** - In a civil case, the person or company being sued. In a criminal or traffic case, the person accused of the crime.

**DEFENSE** - In a civil case, the facts or arguments presented by the defendant to show why the plaintiff doesn't have a right to the relief asked for. In a criminal case, the reasons why a defendant should not be convicted of the charge(s).

**DEFENSE ATTORNEY** - In a criminal case, the lawyer that represents the accused person (called the "defendant").

**DEFRAUD** - To make a misrepresentation of an existing material fact, knowing it to be false or making it recklessly without regard to whether it is true or false. To practice fraud; to cheat or trick. To deprive a person of property or any interest, estate, or right by fraud, deceit or artifice.

**DEGREE** - Scope of an action or charge.

**DELIBERATE** - To consider all the evidence and arguments related to a case that were presented in court.

**DELIBERATION** - When a jury, for either a civil or criminal case, goes into the jury room to discuss the evidence and testimony and reach a verdict.

**DELINQUENCY COURT** - The division of the Juvenile Court hearing cases where juveniles have been charged with committing a crime.

**DELINQUENCY, JUVENILE** - Antisocial behavior by a minor; especially behavior that would be criminally punishable if the minor were an adult, but instead is usually punished by special laws pertaining only to minors.

**DEMURRER** - When a defendant says the facts presented by a plaintiff may be true, but they aren't enough to prove the defendant's legal responsibility.

**DENNIS H.** - A hearing to determine if there is sufficient evidence to sustain a juvenile court petition.

**DE NOVO** - Starting a case all over again as if it had not been heard before. In Latin, *novus* means "new." (See TRIAL DE NOVO.)

**DEPENDENCY COURT** - The division of the Juvenile Court hearing cases of child abuse and neglect.

**DEPENDENT CHILD** - In family law, this usually means a child that is financially supported by another person. In juvenile law, this means a minor that is in the custody of the court because he or she was abused, neglected, or molested or is physically dangerous to the public because of a mental or physical disorder.

**DEPORTATION** - The act of removing a person to another country. Order issued by an immigration judge, expelling an illegal resident from the United States. A deportation has certain consequences regarding the number of years within which a deportee may not legally immigrate. There are also criminal consequences for reentry within a prescribed time period.

**DEPOSITION** - Written or oral testimony given under oath in front of an authorized third person like a court reporter. Depositions take place outside of the court. They allow the parties to get a record of a person's testimony, or to get testimony from a witness that lives far away. They can help the lawyers prepare their court papers called "pleadings." (See also DISCOVERY.)

**DEPRIVATION OF CUSTODY** - The court transfer of legal custody of a person from parents or legal guardian to another person, agency, or institution. It may be temporary or permanent.

**DEPUTY** - One appointed to substitute for another with power to act for him in his name or on his behalf. For example, a Deputy County Clerk is appointed on behalf of the County Clerk.

**DEPUTY D.A.** - An assistant lawyer to the district attorney.

**DESCENT AND DISTRIBUTION STATUTES** - State laws that provide for the distribution of estate property of a person who dies without a will. Same as **INTESTACY LAWS**.

**DESTRUCTIVE DEVICE / EXPLOSIVE** - any substance, the purpose of which is detonation or rapid combustion, and which is capable of rapid release of gas and heat.

**DETENTION** - When a person is temporarily locked up until the court makes a final decision.

**DETENTION HEARING** - The initial hearing in Dependency Court soon after the child has been removed from the parent.

**DETERMINATE (SENTENCE)** - Confinement for a fixed period as specified by statute.

**DEVELOPMENTALLY DISABLED** - Those persons, not psychotic, who are so developmentally disabled from infancy or before reaching maturity that they are incapable of managing themselves and their affairs independently, with ordinary prudence, or of being taught to do so, and who require supervision, control, and care for their own welfare, or for the welfare of others, or for the welfare of the community. (Formerly termed "mentally retarded.")

**DEVISE** - A gift of real property by a will.

**DEVISEE** - A person who receives real property by will.

**DIRECT EVIDENCE** - Proof of facts by witnesses who saw acts done or heard words spoken.

**DIRECT EXAMINATION** - When a witness testifies and answers questions asked by the party that asked them to testify. (Compare **CROSS-EXAMINATION**.)

**DIRECTED VERDICT** - An instruction by the judge to the jury to return a specific verdict. Now called Judgment as a Matter of Law.

**DISBARMENT** - Form of discipline of a lawyer resulting in the loss (often permanently) of that lawyer's right to practice law. It differs from censure (an official reprimand or condemnation) and from suspension (a temporary loss of the right to practice law).

**DISCLAIM** - To refuse a gift made in a will.

**DISCLAIMER** - The repudiation or renunciation of a claim or power vested in a person or which he had formerly alleged to be his. The disavowal, denial, or renunciation of an interest, right, or property imputed to a person or alleged to be his.

**DISCOVERY** - The gathering of information (facts, documents, or testimony) before a case goes to trial. Discovery is done in many ways, such as through depositions, interrogations, or requests for admissions. It can also be done through independent investigation or by talking with the other side's lawyer.

**DISCOVERY MOTION** - A motion to have evidence disclosed to the moving party.

**DISCRIMINATION** - An act which confers particular privileges on a class arbitrarily selected.

**DISMISS** - To terminate legal action involving outstanding charges against a defendant in a criminal case.

**DISMISSAL WITH PREJUDICE** - When a court dismisses a case and will not allow any other suit to be filed on the same claim in the future.

**DISMISSAL WITHOUT PREJUDICE** - When a court dismisses a case, but will allow other suits to be filed on the same claim.

**DISORDERLY CONDUCT** - Any behavior, contrary to law, which disturbs the public peace or decorum, scandalizes the community, or shocks the public sense of morality.

**DISPARITY** - Marked difference in quantity or quality between two things.

**DISPOSITION** - The final decision by the court in a dispute.

**DISPOSITIONAL HEARING** - The hearing held after a petition is sustained (allegation found true), to determine whether the child will become a dependent of the court, where the child will reside, and what reunification services, if any, will be provided to the parent.

**DISSENT** - To disagree. An appellate court opinion setting forth the minority view and outlining the disagreement of one or more judges with the decision of the majority.

**DISSOLUTION** - A marriage that is ended by a judge's decision, also known as a "divorce." (Compare NULLITY.)

**DISSOLUTION OF MARRIAGE** - The act of terminating a marriage; divorce; but the term does not include annulment.

**DISTINCTIVELY MARKED** - A vehicle, operated by a peace officer, is "distinctively marked" when in addition to a lighted red lamp and activated siren, the vehicle is of such appearance that a reasonable person would be able to recognize it as a peace officer's vehicle, and a person fleeing is on reasonable notice that pursuit is by a peace officer.

**DISTRICT ATTORNEY** - A lawyer appointed or elected to represent the state in criminal cases in his or her respective judicial districts. (See PROSECUTOR.)

**DISTURBING THE PEACE** - Conduct which tends to annoy all citizens, including unnecessary and distracting noisemaking.

**DIVERSION** - Instead of going to jail, a defendant goes to a rehabilitation ("rehab") program and is supervised by a probation officer. When the defendant finishes the program, the charges are dismissed and the defendant is not sentenced. (Compare ELECTRONIC MONITORING, HOME MONITORING.)

**DIVORCE** - A common name for a marriage that is legally ended. See DISSOLUTION.

**DOCKET** - A record with the complete history of each case a court hears. It contains short chronological summaries of the court proceedings.

**DOCKET NUMBER** - Identification number that the court clerk's office gives a case. This number is on all papers filed in the case. Also called CASE NUMBER.

**DOE** - Used in law courts, legal papers, etc., to refer to any person whose name is unknown.

**DOMESTIC VIOLENCE** - An assault committed by one member of a household against another.



**DOMICILE** - The place where a person has his or her permanent legal home. A person may have several residences, but only one domicile.

**DOUBLE JEOPARDY** - The constitutional prohibition under the Fifth Amendment against a person being put on trial more than once for the same offense.

**DRIVE-BY MURDER** - Murder perpetrated by means of discharging a firearm from a motor vehicle intentionally at another person outside of the vehicle. When the perpetrator specifically intended to inflict death, the murder is of the first degree.

**DRIVING WHILE INTOXICATED (DWI)** - The unlawful operation of a motor vehicle while under the influence of drugs or alcohol. In some jurisdictions it is synonymous with **DRIVING UNDER THE INFLUENCE (DUI)**, but in others, driving while intoxicated is a more serious offense than driving under the influence.

**DRUNK DRIVING** - The operation of a vehicle in an impaired state after consuming alcohol that when tested is above the state's legal alcohol limit.

**DUE PROCESS OF LAW** - The regular way that the law is administered through the courts. The U.S. Constitution says that everyone has to have a day in court, has the right to be represented by a lawyer, and the right to benefit from court procedures that are speedy, fair, and impartial.

**DURESS** - Consists in any illegal imprisonment or threats of bodily harm in order to coerce the will of another and inducing him to do an act contrary to his free will.

**EASEMENTS** - A right of use over the property of another.

**ELEAZER MOTION** - A motion to require prosecution to disclose the whereabouts of an informant or show that reasonable effort has been made to locate him.

**ELECTRONIC MONITORING** - Use of an electronic device to keep an eye on where a sentenced person is in the community and to restrict his or her activities, instead of putting the person in jail. (See also **HOME MONITORING**).

**ELECTRONIC TECHNOLOGY** - includes, but is not limited to computer modem, magnetic media, optical disk, facsimile machine, or telephone.

**ELEMENTS OF A CRIME** - Specific factors that define a crime which the prosecution must prove beyond a reasonable doubt in order to obtain a conviction. The elements that must be proven are 1) that a crime has actually occurred, 2) that the accused intended the crime to happen, and 3) a timely relationship between the first two factors.

**EMANCIPATION** - A legal way for children to become adults before they are 18. Once a child is emancipated, his or her parents don't have custody or control of him or her anymore.

**EMBEZZLE** - To willfully take or convert to one's own use, another's money or property, which the wrongdoer initially acquired lawfully, because of some office, employment, or some position of trust.

**EMBEZZLEMENT** - Taking property by a person to whom the property has been entrusted.

**EMINENT DOMAIN** - The right of the state to take private property for public use after giving fair compensation to the owner.

**EN BANC** - Court sessions where all the judges of a court participate, instead of the usual number. For example, the U.S. circuit courts of appeals usually use panels of three judges, but all the judges in the court

may decide certain matters together. When that happens, they are sitting "en banc" (sometimes spelled "in banc"). It comes from the French language and means "on the bench."

**ENDORSE** - To sign your name on a document to authorize its contents or transfer (as in a check that is endorsed to transfer money).

**ENDORSED-FILED COPIES** - Copies of court papers that are stamped in the top right corner to show when they are filed. (Compare with CERTIFIED COPY.)

**ENDORSEMENT, FORGERY BY** - Falsely writing or endorsing check to cheat another person.

**ENHANCE** - To make greater in value, to increase.

**ENHANCEMENT** - An allegation added to a basic charge which, if proven, increases the basic sentence. Example: "use of a gun in the commission of a crime" may be added to the felony charge.

**ENJOINING** - An order by the court telling a person to stop something.

**ENTER A GUILTY PLEA** - The formal statement before the court that the accused admits committing the criminal act.

**ENTRAPMENT** - A defense to criminal charges alleging that agents of the government induced a person to commit a crime he or she otherwise would not have committed.

**ENTRY OF DEFAULT** - The clerk's record that the defendant has defaulted by not answering, or not answering on time. The plaintiff must request this record entry.

**EQUAL PROTECTION** - The guarantee in the Fourteenth Amendment to the U.S. Constitution that all persons be treated equally by the law.

**EQUITABLE ACTION** - An action which may be brought for the purpose of restraining the threatened infliction of wrongs or injuries, and the prevention of threatened illegal action.

**EQUITY** - A system of law that supplements the statutory and case law and is based on principles of what is "fair and right."

**ERROR CORAM NOBIS** - Petition filed in trial court seeking relief from conviction based on new facts.

**ERROR CORAM VOBIS** - Petition filed in appellate court seeking relief from conviction based on new facts.

**ESCAPE BY FORCE OR VIOLENCE** - Using force to escape from custody.

**ESCHEAT (ES-CHET)** - The process by which a deceased person's property goes to the state if there is no will or no heirs.

**ESCROW** - Money or a written instrument such as a deed that, by agreement between two parties, is held by a neutral third party (held in escrow) until all conditions of the agreement are met.

**ESTATE** - Everything a person (alive or dead) owns and owes. There are different types of estates, like probate, nonprobate, trust and taxable estates. Probate estate: The property in someone's will. Or, if they do not have a will, the property the probate court handles. Nonprobate estate: The property the probate court does not handle. For example, if there's a trust or joint tenancy. Trust estate: Property in a trust. A trustee controls the trust. Taxable estate: The property subject to federal estate tax when a person dies. For example, life insurance.

**ESTATE TAX** - Generally, a tax on the privilege of transferring property to others after a person's death. In addition to federal estate taxes, many states have their own estate taxes.

**ESTOPPEL** - An act or statement that prevents a person from later making claims to the contrary.

**ET AL** - In Latin, this means "and others." Refers to parties not included in the formal name of a court case.

**ET SEQ** - An abbreviation for et sequentes, or et sequentia. Latin meaning "and the following," ordinarily used in referring to a section of statutes.

**ET UX** - In Latin, this means "and wife."

**EVICTION** - Recovery of land or rental property from another by legal process. (See UNLAWFUL DETAINER.)

**EVIDENCE** - Any proof legally presented at trial through witnesses, records, and/or exhibits.

**EVIDENCE, CIRCUMSTANTIAL** - Conclusion drawn from proven facts.

**EVIDENCE, DIRECT** - Evidence in form of a witness's testimony, who actually saw, heard, or touched the subject in question.

**EVIDENCE, EVANESCENT** - Evidence which can disappear relatively quickly, such as the amount of alcohol in a person's blood.

**EXAMINATION, DIRECT** - The first examination of a witness by the counsel who called the witness to testify.

**EXAMINATION, RECROSS** - A second examination of a witness by the opposing counsel after the second examination (or redirect examination) by the counsel who called the witness to testify is completed.

**EXAMINATION, REDIRECT** - A second examination of a witness by the counsel who called the witness to testify. This examination is usually focused on certain matters that were discussed by the opposing counsel's examination.

**EXCEPTIONS** - Declarations by either side in a civil or criminal case reserving the right to appeal a judge's ruling upon a motion. Also, in regulatory cases, objections by either side to points made by the other side or to rulings by the agency or one of its hearing officers.

**EXCESSIVE FORCE** - Use of unreasonable amount of force by police officer.

**EXCLUSION OF WITNESSES** - An order of the court requiring all witnesses to remain outside the courtroom until each is called to testify, except the plaintiff or defendant. The witnesses are ordered not to discuss their testimony with each other and may be held in contempt if they violate the order.

**EXCLUSIONARY RULE** - The rule preventing illegally obtained evidence to be used in any trial.

**EXCLUSIVE JURISDICTION** - The matter can only be filed in one court.

**EX CONTRACTU** - Arising from a contract.

**EXCULPATORY EVIDENCE** - Evidence which tends to indicate that a defendant did not commit the alleged crime.

**EXECUTE** - (1) To carry out all terms of a contract or court order; (2) to sign (a document); (3) to kill.

**EXECUTION** - The name of a court order issued to a sheriff, marshal, or constable authorizing and requiring him to carry out the judgment of the court.

**EXECUTION OF SENTENCE SUSPENDED** - Imposing a sentence that will not be served. This is frequently ordered in combination with grants of probation. If the defendant is subsequently found in violation of probation, the suspension will be lifted and the sentence carried out.

**EXECUTOR** - Person or company named in a will to carry out the will's instructions and requests. The executor is usually supervised by the probate court.

**EX DELICTO** - Arising from a wrong, breach of duty. (See TORT.)

**EXEMPLARY DAMAGES** - Monies awarded to the plaintiff that exceed the normal or expected amount. Serve as punishment for willful or malicious acts by the defendant, rather than act of negligence.

**EXEMPLIFICATION** - An extremely formal type of certification in which the Clerk signs the certification of the document or record. The Presiding Judge then signs attesting to the fact of the identity of the Clerk, and that the signature is authentic. Finally, the Clerk signs again, this time attesting to the fact that the judge is a Judge of that county's General Jurisdiction Court, and that the signature is authentic.

**EXHIBIT** - A document or an object shown and identified in court as evidence in a case.

**EXHIBIT, PEOPLE'S** - Exhibit and/or evidence that is offered by the prosecution.

**EXONERATE** - To clear of blame or to relieve from responsibility.

**EX PARTE** - A court procedure with only one side. For emergencies only.

**EX PARTE PROCEEDING** - The legal procedure in which only one side is represented.

**EXPERT TESTIMONY** - Testimony given in relation to some scientific, technical, or professional matter by experts, i.e., person qualified to speak authoritatively by reason of their special training, skill, or familiarity with the subject.

**EXPLOSIVE/DESTRUCTIVE DEVICE** - Any substance, or combination of substances, the primary or common purpose of which is detonation or rapid combustion, and which is capable of a relatively instantaneous or rapid release of gas and heat, or any substance, the primary purpose of which, when combined with others, is to form a substance capable of a relatively instantaneous or rapid release of gas and heat.

**EX POST FACTO** - Latin meaning, "after the fact." The Constitution prohibits the enactment of ex post facto laws. These are laws that permit conviction and punishment for a lawful act performed before the law was changed and the act made illegal.

**EXPUNGEMENT** - Official and formal erasure of a record or partial contents of a record.

**EXTENUATING CIRCUMSTANCES** - Circumstances which render a crime less aggravated, heinous, or reprehensible than it would otherwise be.

**EXTORTION** - The act of obtaining the property of another person through wrongful use of actual or threatened force, violence, or fear.

**EXTRADITION** - Bringing a person that is in custody in one state to the authorities of another state where that person has been accused or convicted of a crime.

**EXTRAORDINARY WRIT** - A court order, often issued by an appellate court, making available remedies not regularly within the powers of lower courts. They include writs of habeas corpus, mandamus, prohibition and quo warranto.

**EYE WITNESS** - One who saw the act, fact, or transaction to which he or she testifies.

**FACTUAL BASIS** - The underlying facts supporting a defendant's guilty or NOLO CONTENDERE plea.

**FACTUALLY INNOCENT** - No reasonable cause exists to believe the person arrested committed the offense.

**FAILURE TO APPEAR** - The act of not appearing in court after being presented with a subpoena or summons.

**FAILURE TO COMPLY** - The act of not following an order that is directed by the court.

**FAIR HEARING** - A hearing in which certain rights are respected such as the right to present evidence, to cross examine and to have findings supported by evidence.

**FAIR MARKET VALUE** - The cash value price that the property would have brought at the time it was taken.

**FALSE ARREST** - Any unlawful physical restraint of another's personal liberty, whether or not carried out by a peace officer.

**FALSE IMPRISONMENT** - The unlawful restraint by one person of another person's physical liberty.

**FALSE PRETENSES** - Representation of some fact or circumstance which is not true and is calculated to mislead, by which a person obtains another's money or goods.

**FALSE TOKEN** - Any tangible object or a document that is not genuine, is not what it appears or claims to be, and is intended to be used and is used to deceive the person to whom it is presented.

**FAMILY ALLOWANCE** - A small amount of money kept from the estate of the deceased to provide for the surviving family members during the administration of the estate.

**FEDERAL EMPLOYER'S LIABILITY ACT** - Federal workers' compensation law which protects railroad employees.

**FEES** - A specific amount of money that's paid in exchange for a service, such as filing a court paper.

**FREE SIMPLE** - The most complete, unlimited form of ownership of real property, which lasts until the current holder dies without an heir.

**FEE WAIVER** - Permission not to pay the court's filing fees. People with very low income can ask the court clerk for a fee waiver form.

**FELONY** - A serious crime that can be punished by more than one year in prison or by death. (Compare INFRACTION, MISDEMEANOR).

**FELONY MURDER** - A murder committed during the commission of a felony such as robbery, burglary, or kidnapping.

**FIDUCIARY** - A person that acts for another person's benefit, like a trustee or guardian. It also means something that is based on a trust or confidence. (See also TRUSTEE.)

**FIELD SOBRIETY TEST** - A method of determining whether a person is intoxicated using a motor skills test which is administered by testing the driver's speaking ability and/or physical coordination.

**FIFTH AMENDMENT** - Among other rights, the Fifth Amendment to the U.S. Constitution guarantees that a person cannot be forced to present self-incriminating testimony in a criminal proceeding.

**FILE** - When a person officially gives a paper to a court clerk and that paper becomes part of the record of a case.

**FIND GUILTY** - For the judge or jury to determine and declare the guilt of the defendant.

**FINDING** - When a judicial officer or jury says something is a fact.

**FINDINGS OF FACT** - An oral or written statement by a judge after a review of the evidence stating that the facts given are found to be true.

**FINE** - The money a person must pay as punishment for doing something illegal or for not doing something they were supposed to do.

**FINGERPRINT** - The distinctive pattern of lines on human fingertips that are used as a method of identification in criminal cases.

**FIREARM** - A weapon which acts by force of gunpowder, such as a rifle, shotgun or revolver.

**FIRST APPEARANCE** - The initial appearance of an arrested person before a judge to determine whether there is probable cause for his or her arrest. Generally, the person comes before a judge within hours of the arrest, and are informed of the charges against him or her and of his or her rights to a preliminary hearing, to counsel, and to bail. No plea is asked for at this time. Also called **INITIAL APPEARANCE**.

**FITNESS HEARING** - A court hearing to decide if a juvenile (minor) should be tried as an adult.

**FORCIBLE AND ATROCIOUS CRIME** - Any felony that by its nature and the manner of its commission threatens, or is reasonably believed by the defendant to threaten life or great bodily injury so as to instill in him a reasonable fear of death or great bodily injury. Murder, mayhem, rape, and robbery are all forcible and atrocious crimes.

**FORCIBLE ENTRY AND DETAINER** - Ordinarily refers to a summary proceeding for restoring possession of land to one who has been wrongfully deprived of possession.

**FORECLOSURE** - Procedure by which mortgaged property is sold on default of the mortgagor in satisfaction of mortgage debt.

**FORFEIT** - To lose, or lose the right to. In Traffic - to forfeit means to enter an implied guilty plea and pay total bail to close a case.

**FORFEITURE** - When a person must give up money or property because he or she didn't meet a legal obligation. (See also **BAIL FORFEITURE**).

**FORGERY** - The act of claiming one's own writing to be that of another.

**FORMAL PROBATION** - Court-ordered terms and conditions placed upon a defendant instead of a sentence. Formal probation involves supervision of the defendant by a probation officer. Summary probation involves no probation officer; the defendant is responsible directly to the court.

**FORUM NON CONVENIENS** - A doctrine patterned upon the right of the court in the exercise of its equitable powers to refuse the imposition upon its jurisdiction of the trial of cases even through the venue is

properly laid if it appears that for the convenience of litigants and witnesses and in the interest of justice the action should be instituted in another forum where the action might have been brought.

**FOSTER CARE** - A program that gives money to a person, family, or institution to raise someone else's child.

**FOUNDATION** - In a trial, a foundation must be laid to establish the basis for the admissibility of certain types of evidence. For example, an expert witness's qualifications must be shown before expert testimony will be admissible.

**FOURTEENTH AMENDMENT** - Among other matters, the 14th Amendment to the U.S. Constitution prohibits states from depriving any person of life, liberty, or property without adequate DUE PROCESS.

**FRAUD** - Deceiving someone on purpose in a way that financially hurts others.

**GAG ORDER** - Orders restraining parties and counsel to a criminal proceeding from talking about the case to the press or public.

**GAMBLING** - The act of staking money, or other thing of value, on an uncertain event or outcome.

**GARNISH** - To withhold a debtor's money, and turn it over to another in order to pay a debt. Typically, the one withholding the money is the debtor's employer.

**GARNISHMENT** - A legal process that allows part of a person's wages or property to be withheld for payment of a debt.

**GENERAL ASSIGNMENT** - The voluntary transfer, by a debtor, of all property to a trustee for the benefit of all of his or her creditors.

**GENERAL JURISDICTION** - Refers to courts that have no limit on the types of criminal and civil cases they may hear.

**GLUE SNIFFING** - The act of inhaling glue in order "to get high."

**GOOD CAUSE** - A good reason. For example, a person must have good cause (better than not having a car or a baby-sitter) for not coming to a court hearing.

**GOOD FAITH** - An honest belief, the absence of malice, and the absence of design to defraud.

**GOOD SAMARITAN RULE** - One who assists a person in imminent and serious danger, though negligence of another cannot be charged with negligence in attempting a rescue.

**GOOD TIME** - A reduction in sentenced time in custody as a reward for good behavior. It usually is one-third to one-half off the maximum sentence.

**GRAND JURY** - A group of 16 to 23 citizens that listen to the prosecutor's evidence of criminal allegations and decide whether there is probable cause to believe a person committed a crime and to charge them with that crime.

**GRAND THEFT** - Taking and carrying away the personal property of another person of a value in excess of an amount set by law with the intent to deprive the owner or possessor of it permanently.

**GRANTOR OR SETTLOR** - The person who sets up a trust.

**GREAT BODILY INJURY** - Injury which involves a substantial risk of death, serious permanent disfigurement, or loss of function of any part of an organ of the body. Is a graver and more serious than

ordinary battery.

**GROSS NEGLIGENCE** – A negligent act(s) which is reckless or flagrant and which is such a departure from conduct of an ordinary, prudent person under the same circumstances as to be contrary to a proper regard for human life or to constitute indifference to the consequences of those acts. The facts must be such that the consequences of the negligent act(s) could reasonably have been foreseen and it must appear that the death/danger to human life was not the result of inattention or mistaken judgment, but the natural and probable result of reckless or flagrantly negligent act.

**FOUNDATIONS** - A foundation or basis; points relied on.

**GUARDIAN** - A person appointed by will or by law to assume responsibility for incompetent adults or minor children. If a parent dies, this will usually be the other parent. If both die, it probably will be a close relative. In Juvenile Dependency cases, once a guardian is appointed, dependency may be terminated.

**GUARDIAN AD LITEM** - An adult appointed by a court who represents a minor child or legally incompetent person. (See also AD LITEM).

**GUARDIANSHIP** - A court proceeding where a judge chooses someone to care for a person under age 18 or to manage the minor's estate (property), or both. In some states, conservatorship of an adult is called guardianship, but not in California. (Compare with CONSERVATORSHIP.)

**GUILTY** - A court decision that a defendant committed a crime.

**GUILTY PLEA** - When a person admits in court that he or she is guilty of a crime.

**HABEAS CORPUS** - The name of a writ used to bring a person before a court or judge to decide whether that person is being unlawfully denied his or her freedom. The term comes from Latin.

**HANDCUFFS** - Chains or shackles for the hands to secure prisoners.

**HARASSMENT** - Words, gestures, and actions which tend to annoy, alarm, and verbally abuse another person.

**HARMLESS ERROR** - An error committed during a trial that was corrected or was not serious enough to affect the outcome of a trial and therefore was not sufficiently harmful (prejudicial) to be reversed on appeal.

**HARVEY WAIVER** – The facts, relating to a charge that was dismissed as part of a plea bargain, are “related to” the particular charge for which the minor is being sentenced may be considered at the time of disposition.

**HEARING** - A formal court proceeding with the judge and opposing sides present, but no jury.

**HEARING, CONTESTED** - A hearing held for the purpose of deciding issues or fact of law that both parties are disputing.

**HEARING DE NOVO** - A full, new hearing.

**HEARING, PRELIMINARY** - The hearing given to person accused of crime, by a magistrate or judge, to determine whether there is enough evidence to warrant the confinement and holding to bail the person accused.

**HEARSAY** - Statements by a witness who did not see or hear the incident in question, but heard about it from someone else. Hearsay usually can't be used as evidence in court.



**HEIR** - A person that has the right to inherit money or property from someone who dies without a will.

**HIT AND RUN** - Crime in which the driver of a vehicle leaves the scene of an accident without identifying himself or herself.

**HITCH MOTION** - A request to exclude evidence.

**HOLDING CELL** - A temporary location inside a courthouse where prisoners are held before and after their court appearance.

**HOLOGRAPHIC WILL** - A handwritten will. The court needs to see proof of the person's handwriting. No one has to witness or notarize a handwritten will.

**HOME MONITORING** - An alternative to imprisonment where an individual is confined to his or her home and monitored electronically.

**HOME SUPERVISION** - Temporary house arrest for a minor while awaiting the court's final decision. Also used as punishment after the court's final decision.

**HOMICIDE** - The unlawful killing of one human being by another.

**HOSTILE WITNESS** - A witness whose testimony is not favorable to the party who calls him or her as a witness. May be asked leading questions and may be cross-examined by the party who calls him or her to the stand.

**HUNG JURY** - A jury whose members cannot agree upon a verdict.

**HYPOTHETICAL QUESTION** - An imaginary situation, using facts previously admitted into evidence, upon which an expert witness is permitted to give an opinion as to a condition resulting from the situation.

**IDIOCY** - It is the complete absence of mind that is generally the result of a birth defect rather than a disease.

**IGNORANCE OF FACT** - The lack of knowledge of some fact or facts relating to the subject matter at hand. May sometimes be used as a defense or ground for relief.

**ILLEGAL** - Against, or not authorized by law.

**IMMINENT PERIL** - Certain, immediate, and impending danger.

**IMMUNITY** - A right to be excepted from duty or penalty. (See also **PRIVILEGE**.)

**IMPANEL** - To seat a jury. When voir dire is finished and both sides have exercised their challenges, the jury is impaneled. The jurors are sworn in and the trial is ready to proceed.

**IMPEACHMENT OF WITNESS** - To call into question the truthfulness of a witness.

**IMPLIED** - Where intention is not manifested by explicit words, but is gathered by implication.

**IMPLIED CONTRACT** - A contract in which the promise made by on party is not expressed, but inferred by that party's conduct or is implied in law.

**IMPOUND** - To take and keep an animal or an object in custody.

**IMPRISONMENT** - The act of putting or confining a man in prison, or the restraint of a man's personal liberty.

**INADMISSIBLE** - Cannot be admitted as evidence in a trial or hearing.

**IN CAMERA** - A hearing held in the judge's chambers or in a court with all spectators (including the jury) excluded. From the Latin that means "in chamber."

**INCAPACITY** - The lack of power or the legal ability to act.

**INCARCERATE** - To put in jail or prison.

**INCEST** - Sexual intercourse between persons so closely related that marriage between them would be unlawful.

**INCOMPETENCY** - Lack of capacity to understand the nature and object of the proceedings, to consult with counsel, and to assist in preparing a defense.

**INCRIMINATE** - To hold yourself or another person responsible for criminal actions.

**INDECENT EXPOSURE** - Showing private body parts in a lewd or indecent manner in a public place.

**INDEMNIFY** - Liability for loss is shifted from one person held legally responsible to another.

**INDEMNITY** - An obligation to provide compensation (usually money) for a loss, hurt or damage.

**INDEPENDENT EXECUTOR** - A special kind of executor, permitted by the laws of certain states, who performs the duties of an executor without intervention by the court.

**INDETERMINATE SENTENCE** - A sentence of imprisonment to a specified minimum and maximum period of time, specifically authorized by statute, subject to termination by a parole board or other authorized agency after the prisoner has served the minimum term.

**INDIAN CHILD WELFARE ACT (ICWA)** - Federal law to protect the integrity of Indian families.

**INDICTMENT** - A formal charge by a grand jury saying there is enough evidence that the defendant committed the crime to justify having a trial. Used primarily for felonies.

**INDIGENT** - A person who is poor, needy, and has no one to look to for support.

**INDIVIDUAL EDUCATION PLAN (IEP)**: Plan for a student who is entitled to special education services.

**INDORSEMENT** - That which is written on the back of a negotiable instrument. It is also used with reference to writs, insurance policies, certificates of stocks, etc.

**IN FORMA PAUPERIS** - When the court says a person does not have to pay a filing fee because the person can't afford it. In Latin, means "in the manner of a pauper."

**INFORMANT** - An undisclosed person who confidentially discloses material information of a crime to the police, which is usually done in exchange for a reward or special treatment.

**INFORMATION** - A written accusation charging a person with a crime. It is presented in court by a prosecuting officer under oath and does not come from a grand jury.

**INFRACTION** - A minor violation of a law, contract, or right that is not a misdemeanor or a felony and can't be punished by time in prison. Minor traffic offenses are generally considered infractions.

**INHABITED** – Act of residing actually and permanently in a given place or dwelling. Synonymous with domicile, dwell, live, sojourn.

**INHABITED DWELLING** – A structure which is currently used as a residence whether occupied or not. Courts flexibly interpret this term. It is still inhabited even if the occupants are temporarily absent.

**INHERITANCE TAX** - A state tax on property that an heir or beneficiary under a will receives from a deceased person's estate. The heir or beneficiary pays this tax.

**INITIAL APPEARANCE** - In criminal law, the hearing at which a judge determines whether there is sufficient evidence against a person charged with a crime to hold him or her for trial. The Constitution bans secret accusations, so initial appearances are public unless the defendant asks otherwise; the accused must be present, though he or she usually does not offer evidence. Also called **FIRST APPEARANCE**.

**INJUNCTION** - A court order that says a defendant can't perform, or must perform, a specific act. (See **RESTRAINING ORDER**.)

**IN LOCO PARENTIS** - Latin meaning "in the place of the parent." Refers to actions of a custodian, guardian, or other person acting in the parent's place.

**INMATE** - A person confined to a prison, penitentiary, or jail.

**INNOCENT UNTIL PROVEN GUILTY** - A belief in the American legal system which states that all people accused of a criminal act are considered not to have committed the crime until the evidence leaves no doubt in the mind of the court or the jury that the accused did or did not commit the crime.

**IN PERSONAM** - An act or proceeding done or directed against or with reference to a specific person.

**IN PROPIA PERSONA (IN PRO PER)** - When a person represents himself or herself without a lawyer. This comes from the Latin for "in one's own proper person." (See also **PRO PER AND PRO SE**.)

**IN REM** - A procedural term used to designate proceedings or actions instituted against the thing in contrast to actions instituted **IN PERSONAM** or against the person.

**INSANITY PLEA** - A claim by a defendant that he or she lacks the soundness of mind required by law to accept responsibility for a criminal act.

**INSTRUCTIONS** - The explanation of constitutional rights given by a judge to a defendant.

**INTANGIBLE ASSETS** - Property that you own, but do not physically have. For example, stocks, bonds, bank accounts, copyrights, patents, etc.

**INTENT** - The purpose to use a particular means to bring about a certain result.

**INTENT TO DEFRAUD** - To have in mind a purpose to cheat or trick someone. For example, purposely writing a bad check.

**INTER ALIA** - Among other things.

**INTER VIVOS GIFT** - A gift made during the giver's life.

**INTER VIVOS TRUST** - A trust made while the owner is still alive. Another name for a *living trust*.

**INTERLINEATIONS** - The act of writing between the lines of a document.

**INTERLOCUTORY** - Provisional; not final. An interlocutory appeal concerns only a part of the issues raised in a lawsuit. (Compare to DECREE.)

**INTERPLEADER** - When two or more people say they have a claim to the same thing held by a third party. The third party may force them to go to trial with each other to settle their dispute.

**INTERPRETER** - A person who is certified as being able to translate, orally or in writing, spoken or sign language into the common language of the court.

**INTERROGATORIES** - Written questions asked by one party in a lawsuit for which the opposing party must answer them in writing.

**INTERVENOR** - A person who voluntarily interrupts in an action or other proceeding with the leave of the court.

**INTERVENTION** - An action by which a third person who may be affected by a lawsuit is permitted to become a party to the suit. Differs from the process of becoming an AMICUS CURIAE.

**INTESTACY LAWS** - See DESCENT AND DISTRIBUTION STATUTES.

**INTESTATE** - To die without making a will or leaving instructions for disposal of your property after death. (See TESTATE.)

**INTESTATE SUCCESSION** - The process by which the property of a person who has died without a will passes on to others according to state law.

**INTOXICATION** - A diminished ability to act with full mental and physical capabilities because of alcohol or drug consumption; drunkenness.

**INTRODUCTORY INSTRUCTIONS** - Pre-trial admonitions or statements by judge or other court official that explain to the jury, lawyers, and/or audience their duties, and obligations during court proceedings.

**INVESTIGATION** - A legal inquiry to discover and collect facts concerning a certain matter.

**INVOLUNTARY MANSLAUGHTER** - The unlawful killing of a human being in which there is no intention to kill or do grievous bodily harm, but that is committed with criminal negligence or during the commission of a crime not included within the felony murder rule. (Also called negligent manslaughter.)

**INVOLUNTARY INTOXICATION** - The ingestion of alcohol or drugs against one's will or without one's knowledge. This may be used as an affirmative defense to a criminal negligence charge.

**IRRELEVANT** - Evidence not sufficiently related to the matter at issue.

**IRREVOCABLE TRUST** - A trust that cannot be changed or cancelled after it is made.

**ISSUE** - 1) The disputed point in a disagreement between parties in a lawsuit. 2) To send out officially, as when a court issues an order.

**JAIL** - A place of confinement that is more than a police station and less than a prison. It is usually used to hold persons convicted of misdemeanors or persons awaiting trial.

**JEOPARDY** - Risk to a defendant of possible conviction and punishment. In a criminal case, the defendant is usually said to be "in jeopardy" after the preliminary hearing has taken place and the jury has been sworn in.

**JOHNSON MOTION** - A motion to discuss grand jury indictment.

**JOIN** - To unite, to combine, to enter into an alliance.

**JOINDER** - Generally, a bringing or joining together. For example, plaintiff's joining in a suit, or a joining of actions or defense.

**JOINT AND SEVERAL LIABILITY** - A legal doctrine that makes each of the parties who are responsible for an injury liable for all the damages awarded in a lawsuit if the other parties responsible cannot pay.

**JOINT TENANCY** - When two or more people own something and have rights of survivorship. This means that if one tenant dies, his or her share goes to the other tenants.

**JOINT VENTURE** - An association of persons jointly undertaking some commercial enterprise. Unlike a partnership, a joint venture does not entail a continuing relationship among the parties.

**JOYRIDING** - Illegally taking an automobile without intent to deprive the owner permanently of the vehicle, often involving reckless driving.

**JUDGE** - An elected or appointed public official with authority to hear and decide cases in a court of law.

**JUDGMENT (JUDGEMENT)** - The judge's final decision in a case. It says how much the person who lost has to pay the person who won, and when. Sometimes, you can change part of the judgment with a hearing.

**JUDGMENT CREDITOR** - The person who wins the case.

**JUDGMENT DEBTOR** - The person who loses the case.

**JUDICIAL COUNCIL** - The constitutionally mandated body responsible for improving the administration of justice in the state. The council is made up of judges, court executives, attorneys, and legislators. It was established to standardize court administration, practice, and procedure by adopting and enforcing court rules.

**JUDICIAL NOTICE** - A court's recognition of the truth of basic facts without formal evidence.

**JUDICIAL OFFICER** - Judges, referees, and commissioners who make court decisions as a judge.

**JUDICIAL REVIEW** - The authority of a court to review the official actions of other branches of government. Also, the authority to declare unconstitutional the actions of other branches.

**JURAT** - Certificate of officer or person before whom writing was sworn to. The clause written at the foot of an affidavit, stating where, when, and before whom the affidavit was sworn.

**JURISDICTION** - (1) The legal authority of a court to hear and decide a case. (2) The geographic area over which the court has authority to decide cases. (3) the territory, subject matter, or persons over which lawful authority may be exercised by a court.

**JURISDICTIONAL HEARINGS** - A hearing at which the court determines whether the child falls within the jurisdiction of the juvenile court.

**JURISPRUDENCE** - The study of law and the structure of the legal system.

**JUROR** - Member of the jury.

**JUROR, ALTERNATE** - Additional juror impaneled in case of sickness or disability of another juror.

**JURY** - A group of citizens picked according to law and authorized to decide a case.

**JURY BOX** - The specific place in the courtroom where the jury sits during the trial.

**JURY COMMISSIONER** - The local official responsible for giving the court lists of qualified potential jurors.

**JURY FOREMAN** - The juror who is in charge of the jury during deliberations and speaks for the jury in court when announcing the verdict.

**JURY, HUNG** - A jury which is unable to agree on a verdict after a suitable period of deliberation.

**JURY INSTRUCTIONS** - Directions that the judge gives the jury right before they decide a case. They tell the jury what laws apply to that particular case.

**JURY TRIAL** - A trial that is heard and decided by a jury.

**JUSTIFICATION** - A lawful or sufficient reason for one's acts or omissions. A defense of justification is a showing of a sufficient reason for an action by defendant. For example, in an assault prosecution against a defendant, a justification would be that the violence was necessary.

**JUSTIFIABLE** - Issues and claims capable of being properly examined in court.

**JUSTIFIABLE HOMICIDE** - The intentional killing of another human being without any evil design, and under such circumstances of necessity or duty as render the act proper, and relieve the party from any shadow of blame.

**JUVENILE** - A person under 18 years old. (See also MINOR.)

**JUVENILE COURT** - Part of the Superior Court that handles delinquency and dependency cases involving minors.

**JUVENILE HALL** - The facility where juvenile offenders are held in custody.

**JUVENILE WAIVER** - A procedure by which a charge(s) against a minor is transferred from a juvenile to circuit court.

**KIDNAPPING** - The taking or detaining of a person against his or her will and without lawful authority.

**KEEPER** - An officer that the court appoints to be responsible for money or property legally seized in connection with a pending case.

**KNOWINGLY** - With knowledge, willfully or intentionally with respect to a material element of an offense.

**LACKING CAPACITY** - Lacking qualification, competency, power or fitness. Being incapable of giving legal consent. Lack of fundamental ability to be accountable for actions.

**LARCENY** - Stealing or theft.

**LAW** - Combination of rules and principles of conduct made known by legislative authority, derived from court decisions, and established by local custom.

**LAW AND MOTION** - A setting before a judge at which time a variety of motions, pleas, sentencing, orders to show cause or procedural requests may be presented. Normally, evidence is not taken. Defendants must be present.

**LAW CLERKS** - Persons trained in the law who assist judges in researching legal opinions.

**LAW ENFORCEMENT AGENT** - A sworn peace officer with legal authorization to arrest individuals under suspicion of breaking the law.

**LAWSUIT** - An action between two or more persons in the courts of law, not a criminal matter.

**LAY PERSON** - One not trained in law.

**LEADING QUESTION** - A question which instructs the witness how to answer or puts words in his mouth. Suggests to the witness the desired answer.

**LEASE** - An agreement for renting real property. Usually written and for a specific amount of time.

**LEGAL AID** - Professional legal services available usually to persons or organizations unable to afford such services.

**LENIENCY** - Recommendation for a sentence less than the maximum allowed.

**LESSER INCLUDED OFFENSE** - A crime composed of some, but not all, of the elements of a greater crime; commission of the greater crime automatically includes commission of the lesser included offense.

**LETTERS OF ADMINISTRATION** - Legal document issued by a court that shows an administrator's legal right to take control of assets in the deceased person's name.

**LETTERS OF CONSERVATORSHIP** - A court paper that states that the conservator is authorized to act on the conservatee's behalf. Also called "Letters."

**LETTERS OF GUARDIANSHIP** - The instrument by which a person is empowered to take charge of the person and/or estate of minors and insane or incompetent persons, whenever necessary or convenient.

**LETTERS ROGATORY** - A formal communication, in writing, sent by a court in which an action is pending to a court or judge of a foreign country, requesting that the testimony of a witness who lives within the jurisdiction of the foreign court may be taken under its direction and transmitted to the first court for use in the pending action.

**LETTERS TESTAMENTARY** - Legal document issued by a court that shows an executor's legal right to take control of assets in the deceased person's name.

**LEVY** - To obtain money by legal process through seizure and/or sale of property.

**LEWD CONDUCT** - Behavior that is obscene, lustful, indecent, vulgar.

**LIABILITY** - Legal debts and obligations.

**LIABLE** - Legally responsible.

**LIBEL** - False and malicious material that is written or published that harms a person's reputation. See DEFAMATION.

**LIE DETECTOR** - A machine which records by a needle on a graph varying emotional disturbances when answering questions truly or falsely, as indicated by fluctuations in blood pressure, respiration, or perspiration.

**LIEN** - The right to keep a debtor's property from being sold or transferred until the debtor pays what he or she owes.

**LIFE IMPRISONMENT** - A type of sentence where the convicted criminal is ordered to spend the rest of his or her life in prison.

**LIMINE** - A motion requesting that the court not allow certain evidence that might prejudice the jury.

**LIMINE MOTION** - A pretrial motion requesting the court to prohibit opposing counsel from referring to or offering evidence on matters.

**LIMITATION OF ACTIONS** - The time period imposed by law to bring an action in court. (Example—statutes of limitation)

**LIMITED ACTION** - A civil action in which recovery of less than a certain amount (as specified by statute) is sought. Simplified rules of procedure are used in such actions.

**LIMITED JURISDICTION** - Refers to courts that are limited in the types of criminal and civil cases they may hear. For example, traffic violations generally are heard by limited jurisdiction courts.

**LINEUP** - A police identification procedure by which the suspect to a crime is exhibited, along with others, before the victim or witness to determine if the victim or witness can identify the suspect as the person who committed the crime.

**LIS PENDENS** - A pending suit.

**LITIGANT** - A party, or side involved in a lawsuit.

**LITIGATION** - A case, controversy, or lawsuit.

**LIVING TRUST** - A trust set up and in effect during the lifetime of the person. Also called *inter vivos trust*.

**LOCALITY DISCRIMINATION** - Those either giving undue preference to any locality or subjecting it to undue prejudice.

**LOCAL RULES** - A set of rules you have to follow to start a court case. Every county and court has different local rules.

**LOCUS DELICTI** - The place of the offense.

**LOITERING** - To stand idly around, particularly in a public place.

**LYNCHING** - Putting a person to death, usually by hanging, without legal authority.

**MAGISTRATE** - Judicial officer with the power to issue arrest warrants.

**MAKE OR DRAW** - To cause to exist. To fashion or produce in legal form. To prepare a draft; to compose and write out in due form, such as a deed, contract, complaint, answer, petition, etc.

**MALFEASANCE** - Performance of an act that should not have been done at all.



**MALICE** - Ill will, hatred, or hostility by one person toward another which may prompt the intentional doing of a wrongful act without legal justification or excuse.

**MALICE AFORETHOUGHT** - Intending to kill another person or intending to do an act with knowledge that it is dangerous to human life.

**MALICIOUS MISCHIEF** - Willful destruction of property, from actual ill will or resentment toward its owner or possessor.

**MALICIOUS PROSECUTION** - An action with the intention of injuring the defendant and without probable cause, and which terminates in favor of the person prosecuted.

**MALICIOUSLY** - To annoy, or injure another, or an intent to do a wrongful act, and may consist in direct intention to injure, or in reckless disregard of another's rights

**MALPRACTICE** - Violation of a professional duty to act with reasonable care and in good faith without fraud or collusion. This term is usually applied to such conduct by doctors, lawyers, or accountants.

**MANDAMUS** - A writ issued by a court ordering a public official to perform an act.

**MANDATE** - A judicial command or order proceeding from a court or judicial officer, directing the proper officer to enforce a judgment, sentence, or decree.

**MANDATORY** - Required, ordered.

**MANSLAUGHTER, INVOLUNTARY** - Unlawful killing of another, without malice, when the death is caused by some other unlawful act not usually expected to result in great bodily harm.

**MANSLAUGHTER, VOLUNTARY** - Unlawful killing of another, without malice, when the act is committed with a sudden extreme emotional impulse.

**MARIJUANA** - "Cannabis" is an annual herb having angular rough stem and deeply lobed leaves. It is an illegal drug commonly used through smoke inhalation or ingestion, the use of which results in prolonged intoxication. Any person who cultivates, transports, or possesses marijuana, for personal use or sale, is guilty of a crime, unless they can assert a proper defense.

**MARIJUANA, defense of compassionate use** - The cultivation, transportation, or possession of marijuana is lawful for compassionate use under certain circumstances, such as when its medical use is deemed appropriate by a physician and has been recommended by the physician orally or in writing, provided it is for the personal use of the patient and it is a reasonable amount.

**MARSDEN MOTION** - A minor who is represented by appointed counsel requests the Court to remove the attorney and appoint new counsel if the minor's right to effective counsel would be substantially impaired by continuing with the original attorney.

**MASSIAH MOTION** - A motion to exclude fraudulently obtained confessions.

**MASTER** - An attorney who is appointed by the judges of a circuit court with the approval of the Chief Judge of the Court of Appeals, to conduct hearings and to make finding of facts, conclusions of law, and recommendations as to an appropriate order.

**MATERIAL EVIDENCE** - That quality of evidence which tends to influence the judge and/or jury because of its logical connection with the issue.

**MATERIAL WITNESS** - In criminal trial, a witness whose testimony is crucial to either the defense or prosecution.

**MAYHEM** - A malicious injury which disables or disfigures another.

**MEDIATION** - A process in which people that are having a dispute are helped by a neutral person to communicate so they can reach a settlement acceptable to both.

**MEMORANDUM OF COSTS** - A certified, itemized statement of the amount of costs after judgment.

**MEMORIALIZED** - To mark by observation in writing.

**MENACE** - A threat; the declaration or show of a disposition or determination to inflict an evil or injury upon another.

**MENS REA** - The "guilty mind" necessary to establish criminal responsibility.

**MENTAL HEALTH** - The wellness of a person's state of mind.

**MENTAL INCAPACITY** - Where a person is found to be incapable of understanding and acting with discretion in the ordinary affairs of life due to a loss of reasoning faculties.

**MENTAL STATE** - Capacity or condition of one's mind in terms of ability to do or not to do a certain act.

**MERITS** - A decision "on the merits" is one that reaches the right(s) of a party, as distinguished from disposition of a case on a ground not reaching the right(s) raised in an action.

**MINOR** - A child under the age of 18 years. (See also JUVENILE).

**MINUTE ORDER** - Document prepared by the clerk recording the orders of the clerk.

**MIRANDA RIGHTS** - Requirement that police tell a person who is arrested or questioned their constitutional rights before they question him or her: specifically, the right to remain silent; that any statement made may be used against him or her; the right to an attorney; and if the person cannot afford an attorney, one will be appointed if he or she desires.

**MIRANDA WARNING** - See MIRANDA RIGHTS.

**MISDEMEANOR** - A crime that can be punished by up to one year in jail.

**MISTAKE** - Some unintentional act, omission, or error arising from ignorance, surprise, imposition, or misplaced confidence.

**MISTRIAL** - A trial that has been ended and declared void (of no legal effect) due to prejudicial error in the proceedings or other extraordinary circumstances.

**MITIGATING CIRCUMSTANCES** - Facts which do not constitute a justification or excuse for an offense but which may be considered as reasons for reducing the degree of blame.

**MITIGATING FACTORS** - Facts that do not constitute a justification or excuse for an offense but which may be considered as reasons for reducing the degree of blame.

**MITIGATION OF DAMAGES** - Imposes on the injured party duty to minimize his damages after injury has been inflicted.

**MITTIMUS** - The name of an order in writing, issuing from a court and directing the sheriff or other officer to take a person to a prison, asylum, or reformatory, and directing the jailer or other appropriate official to receive and safely keep the person until his or her fate shall be determined by due course of law.

**MODIFICATION** - A spoken or written request that one side makes to ask the judge to make a decision or an order on a specific point.

**MOOT** - A point or question related to a legal case that usually has no practical importance or relevance to the case. A moot point is a point that can't be resolved by the judge, is not disputed by either side, or is resolved out of court.

**MORAL TURPITUDE** - Immorality. An element of crimes inherently bad, as opposed to crimes bad merely because they are forbidden by statute.

**MOTION** - Oral or written request made by a party to an action before, during, or after a trial asking the judge to issue a ruling or order in that party's favor.

**MOTION DENIED** - Ruling or order issued by the judge refusing the party's request.

**MOTION GRANTED** - Ruling or order issued by the judge approving the party's request.

**MOTION IN LIMINE** - A written motion which is usually made before or after the beginning of a jury trial for a protective order against prejudicial questions and statements.

**MOTION TO QUASH** - A request to make something null or ineffective, such as to "quash a subpoena."

**MOTION TO SEVER** - A request usually by defense, to have a separate trial as to either jointly tried defendants or jointly charged counts.

**MOTION TO SUPPRESS** - A request to suppress as evidence at trial things or statements obtained as a result of an allegedly illegal search and seizure (commonly referred to as 1538.5 PC motions.)

**MUGSHOT** - Pictures taken after a suspect is taken into custody (booked), usually used as an official photograph by police officers.

**MULTIPLICITY OF ACTIONS** - Numerous and unnecessary attempts to litigate the same issue.

**MURDER** - The unlawful killing of a human being with deliberate intent to kill.

**MURGIA MOTION** - A request made by defense counsel to dismiss based on a group of people being systematically discriminated against.

**NECESSITY** - Controlling force; irresistible compulsion; a power or impulse so great that it admits no choice of conduct.

**NE EXEAT** - A writ or court order which forbids the person to whom it is addressed to leave the country, the state, or the jurisdiction of the court.

**NEGLECT** - Absence of care or attention in the doing or omission of a given act.

**NEGLECTANCE** - When someone fails to be as careful as the law requires to protect the rights and property of others.

**NEGOTIABLE INSTRUMENTS** - A written and signed unconditional promise or order to pay a specified sum of money on demand or at a definite time payable to the bearer.

**NEXT FRIEND** - One acting without formal appointment as guardian for the benefit of an infant, a person of unsound mind not judicially declared incompetent, or other person under some disability.

**NO BILL** - This phrase, endorsed by a grand jury on the written indictment submitted for approval, means that the evidence was found insufficient to indict.

**NO-CONTEST CLAUSE** - Language in a will that is meant to keep people from challenging the will. It says that if a person challenges the will and loses, the person gives up anything he or she would have inherited.

**NO-FAULT PROCEEDINGS** - A civil case in which parties may resolve their dispute without a formal finding of error or fault.

**NOLLE PROSEQUI** - Decision by a prosecutor not to go forward with charging a crime. It translates, "I do not choose to prosecute." Also loosely called *nolle pros*.

**NOLO CONTENDRE** - Same as pleading guilty, except that your plea cannot be used against you in civil court. This can only be used in traffic or criminal court. From the Latin for "I do not wish to contend."

**NOMINAL PARTY** - One who is joined as a party or defendant merely because the technical rules of pleading require his presence in the record.

**NON COMPOS MENTIS** - Not of sound mind; insane.

**NON-CAPITAL CASE** - A criminal case in which the allowable penalty does not include death.

**NON EST (INVENTUS)** - A return of process when the sheriff could not find the person who is to be served. Latin meaning "not to be found."

**NON OBSTANTE VERDICTO (N.O.V.)** - A verdict entered by the judge contrary to a jury's verdict.

**NONSUIT** - The name of a judgment given against a plaintiff when he is unable to prove a case, or when he refuses or neglects to proceed to trial and leaves the issue undetermined.

**NOT GUILTY** - The form of verdict in criminal cases where the jury acquits the defendant.

**NOT GUILTY BY REASON OF INSANITY** - The jury or the judge must determine that the defendant, because of mental disease or defect, could not commit the offense.

**NOTARY PUBLIC** - A person authorized to certify a person's signature, administer oaths, certify that documents are authentic, and take depositions.

**NOTICE** - Written information or warning. For example, a notice to the other side that you will make a motion in court on a certain date.

**NOTICE OF MOTION** - A notice to the opposing party, that on a certain date a motion will be made in court.

**NOTICE TO PRODUCE** - A notice in writing requiring the opposite party to produce a certain described paper or document at the trial, or in the course of pre-trial discovery.

**NUISANCE** - That activity which arises from unreasonable, unwarranted or unlawful use by a person of his own property, and producing such material annoyance resulting in damage.

**NULL AND VOID** - Having no force; legal power to bind, or validity.

**NULLITY** - A legal action that says a marriage never existed and the persons are still single. (Compare DISSOLUTION.)

**NUNC PRO TUNC** - When a court order is issued on one date, but is effective as of a date that is in the past. From the Latin for "now for then."

**NUNCUPATIVE WILL** - An oral (unwritten) will.

**OATH** - When a witness promises to tell the truth in a legal proceeding.

**OBJECT** - To protest to the court against an act or omission by the opposing party.

**OBJECTION** - A formal protest made by a party over testimony or evidence that the other side tries to introduce in court.

**OBJECTION OVERRULED** - A ruling by the court upholding the act or omission of the opposing party.

**OBJECTION SUSTAINED** - A ruling by the court in favor of the party making the objection.

**OBSCENITY** - Conduct tending to corrupt the public morals by its indecency or lewdness.

**OF COUNSEL** - A phrase commonly applied to counsel employed to assist in the preparation or management of the case, or its presentation on appeal, but who is not the principal attorney for the party.

**OFFENDER** - One who commits a crime, such as a felony, misdemeanor, or other punishable unlawful act.

**OFFENSE** - An act that breaks the law.

**OFFENSIVE WORDS** - Language that offends; displeasing or annoying language.

**OFFER OF PROOF** - Presentation of evidence to the court (out of the hearing of the jury) for the court's decision of whether the evidence is admissible.

**ON A PERSON'S OWN RECOGNIZANCE** - Release of a person from custody without the payment of any BAIL or posting of BOND, upon the promise to return to court.

**ONE-THIRD THE MIDTERM RULE** - The rule that limits a person's sentence when they have been convicted of multiple offenses.

**OPENING ARGUMENT** - The initial statement made by attorneys for each side, outlining the facts each intends to establish during the trial.

**OPENING STATEMENT** - See OPENING ARGUMENT.

**OPINION** - A judge's written explanation of a decision of the court or of a majority of judges. A dissenting opinion disagrees with the majority opinion because of the reasoning and/or the principles of law on which the decision is based. A concurring opinion agrees with the decision of the court but offers further comment. A PER CURIAM OPINION is an unsigned opinion "of the court."

**OPINION EVIDENCE** - Witnesses are normally required to confine their testimony to statements of fact and are not allowed to give their opinions in court. However, if a witness is qualified as an expert in a particular field, he or she may be allowed to state an opinion as an expert based on certain facts.

**OPPOSITION** - (1) act of opposing or resisting. (2) confronting another.

**ORAL ARGUMENT** - The part of the trial when lawyers summarize their position in court and also answer the judge's questions.

**ORAL COPULATION** - the act of copulating the mouth of one person with the sexual organ or anus of another person, however slight. Penetration of the mouth, sexual organ or anus is not required.

**ORDER TO SHOW CAUSE** - Court order that makes someone go to court to explain to the judge why he or she did not follow the rules.

**ORDER, COURT** - (1) Decision of a judicial officer; (2) a directive of the court.

**ORDINARY NEGLIGENCE** - The failure to use that degree of care which the ordinary or reasonably prudent person would have used under the circumstances and for which the negligent person is liable.

**ORDINANCE** - A regulation made by a local government to enforce, control, or limit certain activities.

**ORIGINAL JURISDICTION** - The court in which a matter must first be filed.

**OVERRULE** - A judge's decision not to allow an objection. A decision by a higher court finding that a lower court decision was wrong.

**OVERRULED** - See OVERRULE.

**OVERT ACT** - An open act showing the intent to commit a crime.

**OWN RECOGNIZANCE** - Release of a person from custody without the payment of any bail or posting of bond.

**PANDERING** - Pimping. Arranging for acts of prostitution.

**PARALEGAL** - A person with legal skills, but who is not an attorney, and who works under the supervision of a lawyer or who is otherwise authorized by law to use those legal skills.

**PARDON** - When the chief executive of a state or country releases a convicted person from the punishment given him or her by a court sentence.

**PARENS PATRIAE** - The power of the state to act in the parents' place to protect a child or his or her property.

**PAROLE** - Supervised release of a prisoner that allows the person to serve the rest of the sentence out of prison if all conditions of release are met.

**PAROLE EVIDENCE** - Oral or verbal evidence rather than written. The Parole Evidence Rule limits the admissibility of parole evidence which would directly contradict the clear meaning of terms of a written contract.

**PARTY** - One of the sides of a case. The person who started the case is called the plaintiff or defendant. The person being sued is called the defendant or respondent.

**PAT DOWN SEARCH** - A limited search of the outer clothing of a person in an attempt to discover weapons which might be used to assault the officer and may be conducted if the officer has a reasonable belief that the detained person is armed and dangerous.

**PATENT** - A government grant giving an inventor the exclusive right to make or sell his or her invention for a term of years.

**PATERNITY** - Who the birth (biological) parents of a child are.

**PEACE OFFICER** - Includes sheriffs and their deputies, members of the police force of cities, and other officers whose duty is to enforce and preserve the public peace.

**PENALTY** - Punishment for breaking a law.

**PENALTY ASSESSMENT** - An amount of money added to a fine.

**PENALTY OF PERJURY** - Circumstances under which a person takes an oath that he will testify, declare, depose or certify truthfully.

**PENDING** - The status of a case that is not yet resolved by the court.

**PENETRATION, UNLAWFUL** - Unlawful insertion of the male part into the female parts, however slight an extent.

**PENITENTIARY** - A prison or place of confinement where convicted felons are sent to serve out the term of their sentence.

**PEOPLE (PROSECUTION)** - A state, for example, the People of the State of California.

**PER CURIUM OPINION** - An unsigned OPINION of the court.

**PEREMPTORY CHALLENGE** - The right to challenge a juror without assigning a reason for the challenge.

**PERJURY** - A false statement made on purpose while under oath in a court proceeding.

**PERMANENCY HEARING** - The hearing for children placed in or awaiting placement in foster care who were under age three at the time of detention, and for all children, to monitor the welfare of the child, evaluate the parents' reunification efforts and establish a permanent plan for the child.

**PERMANENT INJUNCTION** - A court order requiring that some action be taken, or that some party refrain from taking action. It differs from forms of temporary relief, such as a TEMPORARY RESTRAINING ORDER or PRELIMINARY INJUNCTION.

**PERMANENT PLANNED LIVING ARRANGEMENT (PPLA)** - One of the permanent plans that may be ordered for a child who is not returned to parental custody (formerly long term foster care).

**PERMANENT RESIDENT** - One who lives in a location for a period of time and indicates that it is their official address or residence.

**PERSON IN NEED OF SUPERVISION** - Juvenile found to have committed a status offense rather than a crime that would provide a basis for a finding of delinquency. Typical status offenses are habitual truancy, violating a curfew, or running away from home. These are not crimes, but they might be enough to place a child under supervision. In different states, status offenders might be called children in need of supervision or minors in need of supervision. (See STATUS OFFENDERS.)

**PERSONAL PROPERTY** - Things that you own and can move, like furniture, equipment, or paintings.

**PERSONAL RECOGNIZANCE** - Pre-trial release based on the person's own promise that he or she will show up for trial (no bond required). Also referred to as release on own recognizance or ROR. (See ON A PERSON'S OWN RECOGNIZANCE.)

**PERSONAL REPRESENTATIVE** - A person picked by the court to collect, manage and distribute a person's property (estate) when they die. If named in a will, that person's title is an EXECUTOR. If there is no valid will, that person's title is an ADMINISTRATOR.

**PETIT JURY or (TRIAL JURY)** - A group of citizens that listen to the evidence presented by both sides at trial and figure out the facts in dispute. Criminal juries are made up of 12 people; civil juries are made up of at least 6 people.

**PETITION** - A court paper that asks the court to take action. For example, in juvenile cases, the Petition starts the court case. (Compare MOTION.)

**PETITIONER** - A person who presents a petition to the court.

**PETTY OFFENSE** - An offense for which the authorized penalty does not exceed imprisonment for 3 months or a fine of \$500.

**PETTY THEFT** - The act of taking and carrying away the personal property of another of a value usually below \$100.00 with the intent to deprive the owner of it permanently.

**PIMP** - (1) the act of getting customers for a whore or prostitute; (2) one who gets customers for a whore or prostitute.

**PITCHESS MOTION** - A request made by the defendant for discovery of a peace officer's personnel file with regards to any complaints or acts of excessive force and violence.

**PLAINTIFF** - The person or company that files a lawsuit.

**PLEA** - In a criminal case, the defendant's statement pleading "guilty" or "not guilty" in answer to the charges. (See also NOLO CONTENDRE).

**PLEA BARGAIN** - An agreement between the prosecutor and the defendant. It lets the defendant plead guilty to a less serious charge, if the court approves.

**PLEAD** - To admit or deny committing a crime.

**PLEADING** - Written statements filed with the court that describes a party's legal or factual claims about the case and what the party wants from the court.

**POLLING THE JURY** - A practice in which jurors are asked individually whether they agree with the final verdict in the case they just decided.

**POLYGRAPH** - Lie detector test and the apparatus for conducting the test.

**POSSESSION OF DRUGS** - The presence of drugs on the accused for recreational use or for the purpose to sell.

**POST CONVICTION** - A procedure by which a convicted defendant challenges the conviction and/or sentence on the basis of some alleged violation or error.

**POSTPONEMENT** - To put off or delay a court hearing.

**POUR-OVER WILL** - A will that leaves some or all estate property to a trust established before the will-maker's death.

**POWER OF ATTORNEY** - Formal authorization of a person to act in the interest of another person.



**PRAYER-** A request of the court to grant the process, aid, or relief which the complainant desires; also, that portion of a document containing such request.

**PRECEDENT** – A court decision in an earlier case that the court uses to decide similar or new cases.

**PREINJUNCTION** – Court order requiring action or forbidding action until a decision can be made whether to issue a permanent injunction. It differs from a TEMPORARY RESTRAINING ORDER.

**PREJUDICE** – When an act or decision affects a person's rights in a negative way.

**PREJUDICIAL ERROR** – Synonymous with *reversible error* ; an error which authorizes the appellate court to reverse the judgment before it.

**PREJUDICIAL EVIDENCE** – Evidence which might unfairly sway the judge or jury to one side or the other.

**PRELIMINARY HEARING** – The hearing available to a person charged with a felony to determine if there is enough evidence (probable cause) to hold him for trial.

**PRELIMINARY INJUNCTION** – In civil cases when it is necessary to preserve the status quo prior to trial, the court may issue this or a temporary restraining order ordering a party to carry out a specified activity.

**PREMEDITATION** – The planning of a crime before the crime takes place, rather than committing the crime on the spur of the moment.

**PREMISES** – That which is put before; that which precedes; the foregoing statements.

**PERMANENCY HEARING** – The hearing conducted according to Welfare and Institutions Code Section 366.21(e) for foster care placement children who were over age three at the time of detention, to monitor the welfare of the child and evaluate the parents' reunification efforts.

**PREPONDERANCE OF THE EVIDENCE** – To win a civil case, the plaintiff has to prove that most of the evidence is on his or her side.

**PRESENTENCE REPORT** – A report prepared by the probation department for the judge when sentencing a defendant. Describes defendant's background: financial, job, and family status; community ties; criminal history; and facts of the current offense.

**PRESENTMENT** – Declaration or document issued by a grand jury that either makes a neutral report or notes misdeeds by officials charged with specified public duties. It ordinarily does not include a formal charge of crime. A presentment differs from an INDICTMENT.

**PRESUMED FATHER** – A man who is married to the mother of the child, who has signed a declaration of paternity, or has received the child into his home and held the child out to the community as his child, whether that man is the biological father of the child, or not.

**PRESUMPTION** – An inference of the truth or falsity of a proposition or fact, that stands until rebutted by evidence to the contrary.

**PRESUMPTION OF INNOCENCE** – A hallowed principle of criminal law that a person is innocent of a crime until proven guilty. The government has the burden of proving every element of a crime beyond a reasonable doubt and the defendant has no burden to prove his innocence.

**PRESUMPTION OF LAW** – a rule of law that courts and judges shall draw a particular inference from a particular fact, or from particular evidence.

**PRETERMITTED CHILD** - A child born after a will was written, who is not provided for by the will. Most states have laws that provide for a share of estate property to go to such children.

**PRETRIAL CONFERENCE** - Any time both sides of the case go to court before trial. In criminal cases, it's usually when the defendant and prosecutor talk about settling the case.

**PRIMA FACIE CASE** - A case that is sufficient and has the minimum amount of evidence necessary to allow it to continue in the judicial process. From the Latin for "from first view."

**PRINCIPAL** - The source of authority or right.

**PRINCIPALS** - Persons who are involved in committing or attempting to commit a crime. Includes those who directly and actively commit or attempt to commit the crime, or those who assist (aid and abet) in the commission or attempted commission of the crime.

**PRINCIPLE TERM** - Greatest term of imprisonment imposed by the court on any one count, imposed of base term plus any enhancements, to which subordinate terms are added.

**PRIORS** - Term meaning previous conviction(s) of the accused.

**PRIOR CONVICTION** - As used in Superior Court pleadings, an allegation that defendant has previously been imprisoned.

**PRIOR INCONSISTENT STATEMENT** - In evidence, these are prior statements made by the witness which contradict statements the witness made on the witness stand.

**PRISON** - A federal or state public building or other place for the confinement of persons. It is used as either a punishment imposed by the law or otherwise in the course of the administration of justice. Also known as penitentiary, penal institution, adult correctional institution, or jail.

**PRIVACY, RIGHT OF** - The right to be left alone; the right of a person to be free from unwarranted publicity.

**PRIVILEGE** - An advantage not enjoyed by all; a special exemption from prosecution or other lawsuits. (See also IMMUNITY.)

**PRIVILEGED COMMUNICATIONS** - Confidential communications to certain persons that are protected by law against any disclosure, including forced disclosure in legal proceedings. Communications between lawyer and client, physician and patient, psychotherapist and patient, priest, minister, or rabbi and penitent are typically privileged.

**PRIVITY** - Mutual or successive relationships to the same right of property, or the same interest of one person with another which represents the same legal right.

**PROBABLE CAUSE** - A good reason to believe that a crime has or is being committed; the basis for all lawful searches, seizures, and arrests.

**PROBATE** - The judicial process to determine if a will of a dead person is genuine or not; lawful distribution of a decedent's estate.

**PROBATE COURT** - The court with authority to deal with the estates of people who have died.

**PROBATE ESTATE** - All the assets in an estate that are subject to probate. This does not include all property. For example, property in joint tenancy are not part of the probate estate.

**PROBATION** - A sentencing alternative to imprisonment in which the court releases a convicted defendant under supervision of a probation officer that makes certain that the defendant follows certain rules, for example, gets a job, gets drug counseling.

**PROBATION BEFORE JUDGMENT (PBJ)** - A conditional avoidance of imposing a sentence after conviction.

**PROBATION DEPARTMENT** - The department that oversees the actions of those who are on probation as well as the location of where probation officers work.

**PROBATION OFFICER** - One who supervises a person placed on probation and is required to report the progress and to surrender them if they violate the terms and conditions of the probation.

**PRO BONO** - Legal work done for free. From the Latin meaning "for the public good."

**PROCEDURAL LAW** - The method, established normally by rules to be followed in a case; the formal steps in a judicial proceeding.

**PRODUCTS LIABILITY** - Refers to the legal liability of manufacturers and sellers to compensate buyers, users and even bystanders for damages or injuries suffered because of defects in goods purchased.

**PROFFER** - An offer of proof as to what the evidence would be if a witness were called to testify or answer a question.

**PRO HAC VICE** - for this one particular occasion. For example, an out-of-state lawyer may be admitted to practice in a local jurisdiction for a particular case only. From the Latin meaning "for this turn."

**PROHIBITION** - Act or law that forbids something.

**PROMISSORY NOTE** - A written document that says a person promises to pay money to another.

**PROOF** - Any fact or evidence that leads to a judgment of the court.

**PROOF OF SERVICE** - A form filed with the court that proves that court papers were properly delivered to someone.

**PRO PER** - Person who presents their own cases in court without lawyers (See also IN PROPIA PERSONA and PRO SE.)

**PROPERTY** - Something tangible or intangible that someone holds legal title.

**PRO SE** - Person who presents their own cases in court without lawyers (See also PRO PER and PRO SE.)

**PROSECUTING ATTORNEY** - A public office who prosecutes criminal cases for the state. See PROSECUTOR and DISTRICT ATTORNEY.

**PROSECUTION** - The party that starts a criminal case and files criminal charges. The prosecution is the lawyer for the state. A common name for the state's side of the case.

**PROSECUTOR** - A trial lawyer representing the government in a criminal case and the interests of the state in civil matters. In criminal cases, the prosecutor has the responsibility of deciding who and when to file charges.

**PROSTITUTION** - The performance or agreement to perform a sexual act for hire.

**PROTECTIVE ORDER** - A court order to protect a person from further harassment, service of process, or discovery.

**PRO TEM** - A temporary assigned official with authority to hear and decide cases in a court.

**PROXIMATE CAUSE** - The act that caused an event to occur.

**PUBLIC DEFENDER** - A lawyer picked by the court to represent a defendant who cannot afford a lawyer.

**PUNITIVE DAMAGES** - Money awarded to an injured person, over and above the measurable value of the injury, in order to punish the person who hurt him.

**PURGE** - To clean or clear, such as eliminating inactive records from court files; with respect to civil contempt, to clear the noncompliance that caused the contempt finding.

**QUANTUM MERUIT** - Latin meaning "as much as he deserves," and describes the extent of liability on a contract implied by law.

**QUASH** - To overthrow, to vacate, to annul or make void.

**QUASI JUDICIAL** - Authority or discretion vested in an officer whose actions are of a judicial character.

**QUID PRO QUO** - Something for something; giving one valuable thing for another.

**QUO WARRANTO** - A writ issuable by the state, through which it demands an individual show by what right he or she exercises authority which can only be exercised through a grant from the state or why he or she should not be removed from a state office.

**RAP SHEET** - A written summary of a person's criminal history.

**RAPE** - Unlawful intercourse with an individual without their consent.

**RAPE, STATUTORY** - See **STATUTORY RAPE**.

**RATIFICATION** - The confirmation or adoption of a previous act done either by the party himself or by another.

**RATIO DECIDENDI** - The ground or reason of the decision in a case.

**RE** - In the matter of; in the case of.

**REAL EVIDENCE** - Evidence given to explain, repel, counteract, or disprove facts given in evidence by the adverse party.

**REAL PROPERTY** - Land and buildings.

**REASONABLE DOUBT, BEYOND A** - The degree of certainty required for a juror to legally find a criminal defendant guilty. An accused person is entitled to acquittal if, in the minds of the jury, his or her guilt has not been proved beyond a "reasonable doubt"; that state of mind of jurors in which they cannot say they feel a persisting conviction as to the truth of the charge.

**REASONABLE PERSON** - A phrase used to define a hypothetical person who exercises qualities of attention, knowledge, intelligence, and judgment that society requires of its members for the protection of his or her own interest and the interests of others. Thus, the test of negligence is based on either a failure to

do something that a reasonable person, guided by considerations that ordinarily regulate conduct, would do, or on the doing of something that a reasonable and prudent (wise) person would not do.

**REBUTTAL** - Evidence presented at trial by one party in order to overcome evidence introduced by another party.

**RECALL** - Cancellation by a court of a warrant before its execution by the arrest of a defendant; also, a process by which a retired judge may be asked to sit on a particular case.

**RECEIVING STOLEN PROPERTY** - Offense of receiving any property with the knowledge that it has been feloniously, or unlawfully stolen, taken, extorted, obtained, embezzled, or disposed of.

**RECIDIVISM** - The continued, habitual, or compulsive breaking the law after having been convicted of prior offenses.

**RECKLESS DRIVING** - Operation of a motor vehicle that shows a reckless disregard of possible consequences and indifference of other's rights.

**RECLASSIFY** - To change the jurisdiction of the case from Limited (up to \$25,000) to Unlimited (more than \$25,000) and vice versa.

**RECOGNIZANCE** - The practice which enables an accused awaiting trial to be released without posting any security other than a promise to appear before the court at the proper time. Failure to appear in court at the proper time is a separate crime.

**RECORD** - The official papers that make up a court case.

**RECUSE** - When you remove yourself or are removed from a criminal or civil proceeding because you have a conflict of interest. For example, a judge can recuse himself because someone in the case is a friend or business partner.

**REDACT** - To adapt or edit for public record.

**RE-DIRECT EXAMINATION** - Opportunity to present rebuttal evidence after one's evidence has been subjected to cross-examination.

**REDRESS** - To set right; to remedy; to compensate; to remove the causes of a grievance.

**REFEREE** - A person appointed by the court to hear and make decisions on limited legal matters, like juvenile or traffic offenses.

**REGULATION** - A rule or order prescribed for management or government.

**REHEARING** - Another hearing of a civil or criminal case by the same court in which the case was originally heard.

**REINSTATED** - To bring back to a previous condition. When bail that had been forfeited, exonerated, or reduced is reestablished in its original amount.

**REJOINDER** - Opportunity for the side that opened the case to offer limited response to evidence presented during the REBUTTAL by the opposing side.

**RELEVANT** - Evidence that helps to prove a point or issue in a case.

**RELINQUISHMENT** - A forsaking, abandoning, renouncing, or giving over a right.

**REMAND** – (1) When an appellate court sends a case to a lower court for further proceedings; (2) to return a prisoner to custody.

**REMEDY** – The means by which a right is enforced or the violation of a right is prevented, redressed or compensated.

**REMITTITUR** – The transfer of records of a case from a court of appeal to the original trial court for further action or other disposition as ordered by the appellate court.

**REMOVAL** – The transfer of a state case to federal court for trial; in civil cases, because the parties are from different states; in criminal and some civil cases, because there is a significant possibility that there could not be a fair trial in state court.

**REPLEVIN** – An action for the recovery of a possession that has been wrongfully taken.

**REPLY** – The response by a party to charges raised in a pleading by the other party.

**REPORT** – An official or formal statement of facts or proceedings.

**RES** - A thing; an object; a subject matter; or a status.

**RES IPSA LOQUITUR** - Latin meaning "a thing that speaks for itself." In tort law, the doctrine which holds a defendant guilty of negligence without an actual showing that he or she was negligent.

**RES JUDICATA** - A rule of civil law that once a matter has been litigated and final judgment has been rendered by the trial court, the matter cannot be relitigated by the parties in the same court, or any other trial court.

**RESCUE DOCTRINE** – Rescue doctrine is that one who has, through his negligence, endangered safety of another and may be held liable for injuries sustained by third person who attempts to save other from injury.

**RESPONDEAT SUPERIOR** - "Let the master answer." The doctrine which holds that employers are responsible for the acts and omissions of their employees and agents, when done within the scope of the employees' duties.

**RESPONDENT** - If you are the person that answers the original Petition, you are the respondent. Even if you later file an action of your own in that case, you are still the respondent for as long as the case is open.

**REST** - When a party in a case has presented all the evidence it intends to offer.

**RESTITUTION** - Giving something back to its owner. Or, giving the owner something with the same value, like paying to fix his or her property.

**RESTITUTION HEARING** - A hearing that may be requested to dispute the amount of restitution ordered by the court.

**RESTRAINING ORDER** - A court order that tells a person to stop doing something for a certain amount of time, usually until a court hearing is held.

**RETAINER** - Act of the client employing the attorney or counsel. Also, the fee the client pays when he or she retains the attorney to act for him or her.

**RETALIATION** – Infliction upon someone in response to an injury that he/she has caused another.

**RETURN** - A report to a judge by police on the implementation of an arrest or search warrant. Also, a report to a judge in reply to a subpoena, civil or criminal.

**REUNIFICATION SERVICES** - Services that help parents get their children back after they are taken away.

**REVERSE** - An action of a higher court in setting aside or revoking a lower court decision.

**REVERSIBLE ERROR** - A procedural error during a trial or hearing sufficiently harmful to justify reversing the judgment of a lower court. (See **PREJUDICIAL ERROR**.)

**REVOCABLE TRUST** - A trust that the grantor may change or revoke.

**REVOKE** - To change or take back.

**RIGHTS, CONSTITUTIONAL** - The rights of a person guaranteed by the state or federal constitutions.

**RIOT** - A public disturbance involving acts of violence by persons where three or more persons are gathered.

**ROBBERY** - The act of taking money, personal property, or any other article of value that is in the possession of another by means of force or fear.

**ROUT** - Two or more persons, assembled and acting together, making any attempt or advance toward the commission of an act which would be a riot if actually committed.

**RULE** - An established standard, guide, or regulation.

**RULE OF COURT** - An order made by a court having competent jurisdiction. Rules of court are either general or special; the former are the regulations by which the practice of the court is governed, the latter are special orders made in particular cases.

**RULES OF EVIDENCE** - Standards governing whether information can be admitted and considered in a civil or criminal case.

**SANCTION** - A financial punishment meant to make someone obey the law. For example, a judge can order someone to pay for not following court orders.

**SATISFACTION OF JUDGMENT** - Payment of a judgment amount by the losing party.

**SEALING** - The closure of court records to inspection, except to the parties.

**SEARCH AND SEIZURE** - A person or place is searched and evidence useful in the investigation and prosecution of a crime is taken. The search is conducted after an order is issued by a judge.

**SEARCH WARRANT** - An order that tells the police to search a specific place to find specific people or things. A judge can order a search warrant if there is probable cause.

**SECURED DEBT** - In bankruptcy proceedings, a debt is secured if the debtor gave the creditor a right to repossess the property or goods used as collateral.

**SELECTION AND IMPLEMENTATION HEARING** - The hearing conducted post-reunification failure according to Welfare and Institutions Code Section 366.26, to decide whether to terminate parental rights and free the child for adoption, order a legal guardianship, or order permanent planned living arrangement.

**SELF-DEFENSE** - Claim that an act was legally justifiable because it was necessary to protect a person or property from the threat or action of another.

**SELF-INCRIMINATION** - Acts or declarations by which one implicates oneself in a crime.

**SELF-PROVING WILL** - A will that is signed under penalty of perjury by two people who will not get anything from the will. You do not have to get an affidavit from the witnesses.

**SENTENCE** - A judge's formal pronouncement of the punishment to be given to a person convicted of a crime.

**SENTENCE REPORT** - A document containing background material on a convicted person. It is prepared to guide the judge in the imposition of a sentence. Sometimes called a **PRE-SENTENCE REPORT**.

**SENTENCE, CONCURRENT** - Two or more sentences of jail time to be served simultaneously.

**SENTENCE, CONSECUTIVE** - Two or more sentences of jail time to be served in sequence.

**SENTENCE, SUSPENDED** - A sentence postponed in which the defendant is not required to serve time unless he or she commits another crime or violates a court-imposed condition.

**SENTENCING** - The hearing where the court determines a person's punishment.

**SEPARATE MAINTENANCE** - Allowance ordered to be paid by one spouse to the other for support while the spouses are living apart, but not divorced.

**SEPARATION** - An arrangement where a husband and wife live apart from each other while remaining married either by mutual consent or by a judicial order.

**SEQUESTRATION OF WITNESSES** - Keeping all witnesses (except plaintiff and defendant) out of the courtroom except for their time on the stand, and cautioning them not to discuss their testimony with other witnesses. Also called separation of witnesses. This prevents a witness from being influenced by the testimony of a prior witness.

**SERVE A SENTENCE** - The act of spending an allotted amount of time in a designated location such as a prison as punishment for the crime committed.

**SERVICE** - When someone over 18 and not involved with your case gives the other party a copy of the court papers in person or by mail.

**SERVICE OF PROCESS** - The delivery of legal papers to the opposing party. The papers must be delivered by an adult aged 18 or older that is not involved in the case and that swears to the date and method of delivery to the recipient.

**SETTLEMENT** - When both sides reach an agreement that solves the case before the judge or jury makes a decision.

**SETTLOR** - The person who sets up a trust. Also called the **GRANTOR**.

**SEVERANCE DAMAGES** - Compensation, which may be recovered in the courts by any person who has suffered loss or detriment as a consequence of being cut off from something (i.e. employment).

**SEXUAL ABUSE / ASSAULT** - Unlawful sexual contact with another person.



**SEXUAL BATTERY** – The forced penetration of or contact with another's sexual organs or the sexual organs of the perpetrator.

**SEXUAL HARASSMENT** – Sexual words, conduct, or action (usually repeated and persistent) that, being directed at a specific person, annoys, alarms, or causes substantial emotional distress in that person and serves not legitimate purpose.

**SEXUAL MOLESTATION** – Illegal sex acts performed against a minor by a parent, guardian, relative or acquaintance.

**SEXUALLY VIOLENT PREDATOR** - a person who has been convicted of a sexually violent offense against two or more victims and has a diagnosed mental disorder that makes him or her a danger to the health and safety of others.

**SHERIFF** – Elected officer of a county whose job is to conserve peace within his or her territorial jurisdiction as well as aid in the criminal and civil court processes.

**SHOPLIFTING** – The willful taking and concealing of merchandise from a store or business with the intention of using the goods for one's personal use without paying the purchase price.

**SHOW CAUSE** – A court order telling a person to appear in court and present any evidence why the orders requested by the other side should not be granted or executed.

**SIDEBAR** – A conference between the judge and lawyers, usually in the courtroom, out of hearing of the jury and spectators.

**SLANDER** – Defamation of a person's character or reputation through false or malicious oral statements. See DEFAMATION.

**SMALL CLAIMS COURT** – A court that handles civil claims for \$5,000 or less. People often represent themselves rather than hire an attorney.

**SODOMY** – Oral or anal copulation between humans, or between humans or animals.

**SOLICITATION** – Getting someone else to commit a crime.

**SOVEREIGN IMMUNITY** - The doctrine that the government, state or federal, is exempt to lawsuit unless it gives its consent.

**SPECIAL CIRCUMSTANCE** - Allegation that a case or charge warrants the death penalty.

**SPECIAL VERDICTS** – A verdict that gives a written finding for each issue, leaving the application of the law to the judge.

**SPECIFIC INTENT CRIME** - A crime which requires a specific mental state.

**SPECIFIC PERFORMANCE** - A remedy requiring a person who has breached a contract to perform specifically what he or she has agreed to do. Ordered when damages would be inadequate compensation.

**SPEEDY TRIAL** - The right of an accused to an immediate trial as guaranteed by the 6th Amendment of the United States Constitution.

**SPENDTHRIFT TRUST** - A trust that says that the beneficiary cannot give away or sell their part of the trust. This means that creditors cannot take money from the trust.

**SPOUSAL SUPPORT** - Court-ordered support of a spouse or ex-spouse; also called "maintenance" or "alimony."

**SPOUSE/COHABITANT BEATING** - See DOMESTIC VIOLENCE

**STALKING** - The act or an instance of following another by stealth; the offense of following or loitering near another, often surreptitiously, with the purpose of annoying or harassing that person or committing a further crime such as assault or battery.

**STANDARD OF PROOF** - There are essentially three standards of proof applicable in most court proceedings. In criminal cases, the offense must be proven **BEYOND A REASONABLE DOUBT**, the highest standard. In civil cases and neglect and dependency proceedings, the lowest standard applies by a mere **PREPONDERANCE OF THE EVIDENCE**, (more likely than not). In some civil cases, and in juvenile proceedings such as a permanent termination of parental rights, an intermediate standard applies, proof by **CLEAR AND CONVINCING EVIDENCE**.

**STANDING** - The legal right to bring a lawsuit. Only a person with something at stake has the right to bring a lawsuit.

**STARE DECISIS** - The doctrine that courts will follow principles of law established in previous cases. Similar to **PRECEDENT**.

**STATEMENT, CLOSING** - The final statements by the attorneys to the jury or court summarizing the evidence that they have established and the evidence that the other side has failed to establish. Also known as **CLOSING ARGUMENT**.

**STATEMENT, OPENING** - Outline or summary of the nature of the case and of the anticipated proof presented by the attorney to the jury before any evidence is submitted. Also known as **OPENING ARGUMENT**.

**STATEMENT OF FACT** - Any written or oral declaration of facts in a case.

**STATUS OFFENDERS** - Youths charged with being beyond the control of their legal guardian or who are habitually disobedient, truant from school, or have committed other acts that would not be a crime if committed by an adult. They are not delinquents, but are persons in need of supervision, minors in need of supervision, or children in need of supervision, depending on the state in which they live. Status offenders are placed under the supervision of the juvenile court. (See **PERSON IN NEED OF SUPERVISION**.)

**STATUTE** - A law passed by Congress or a state legislature.

**STATUTE OF LIMITATIONS** - A law that says how much time you have to file a lawsuit after something happens.

**STATUTORY** - Relating to a statute; created, defined, or required by a statute.

**STATUTORY ACTIONS** - Actions relating or conforming to, or created, defined, or required by a statute.

**STATUTORY CONSTRUCTION** - Process by which a court seeks to interpret the meaning and scope of legislation.

**STATUTORY LAW** - Law enacted by the legislative branch of government, as distinguished from **CASE LAW** or **COMMON LAW**.

**STATUTORY RAPE** - The unlawful sexual intercourse with a person under an age set by statute, regardless of whether they consent to the act.

**STAY** - The act of stopping a judicial proceeding by order of the court.

**STAY OF EXECUTION** - An order that prevents the execution of an action, e.g. the serving of a sentence. The stay may be granted on a motion by the defendant, or it may be ordered in accordance with statutory law, e.g. Calif. Penal Code Section 654.

**STIPULATE** - To agree to something.

**STRICT LIABILITY** - A concept applied by courts in product liability cases in which a seller is responsible for any and all defective or hazardous products which unduly threaten a consumer's personal safety.

**STRICKEN EVIDENCE** - Evidence that has been removed from the record.

**STRIKE** - (1) to delete or remove. (2) To dismiss an allegation before sentencing. (3) A serious violent felony prior conviction that is charged as a prior allegation, e.g. a second strike, or third strike.

**SUA SPONTE** - Used to describe when a judge does something without being asked to by either party. Latin meaning "of one's own will."

**SUB CURIA** - Latin meaning "under the law;" the holding of a case by a court under consideration, sometimes to await the filing of a document, such as a presentence investigation report or memorandum of law, or to write an opinion.

**SUBMIT** - To yield to the will of another.

**SUBPOENA** - An official order to go to court at a certain time. Subpoenas are commonly used to tell witnesses to come to court to testify in a trial.

**SUBPOENA DUCES TECUM** - A court order to bring papers or records to court at a certain time.

**SUBROGATION** - To substitute one person for another in a legal claim.

**SUBSTANTIAL PERFORMANCE** - Where a party has honestly and faithfully performed the essential and material portions of the contract and the only non-performance consists of technical or unimportant provisions.

**SUBSTANTIVE LAW** - The law dealing with rights, duties, and liabilities, as contrasted with **PROCEDURAL LAW**, which governs the technical aspects of enforcing civil or criminal laws.

**SUCCESSION** - The acquisition of title to the property of one who dies without disposing of it by will.

**SUE** - To commence legal proceedings for recovery of a right.

**SUIT** - Any proceeding by one person or persons against another in a court of law.

**SUMMARY JUDGMENT** - When the judge decides a case without going to trial. The decision is based on the papers filed by both sides.

**SUMMONS** - (1) A notice to a defendant that he or she has been sued or charged with a crime and is required to appear in court. (2) A jury *summons* requires the person receiving it to report for possible jury duty.

**SUPERSEDEAS** - A writ issued by an appellate court to preserve the status quo pending review of a judgment, or pending other exercise of its jurisdiction.

**SUPPORT TRUST** - A trust that instructs the trustee to spend only as much income and principal (the assets held in the trust) as needed for the beneficiary's support.

**SUPPRESS** - To stop or put an end to someone's activities. See also **EXCLUSIONARY RULE**.

**SUPPRESSION HEARING** - A hearing on a criminal defendant's motion to prohibit the prosecutor's use of evidence alleged to have been obtained in violation of the defendant's rights. This hearing is held outside of the presence of the jury, either prior to or at trial. The judge must rule as a matter of law on the motion.

**SURETY BOND** - An insurance policy taken out by a defendant with a national insurance company in which the insurer agrees to pay the court the amount of bail required for the defendant's release if the defendant fails to come to court when he or she is supposed to. Often called a *fidelity bond*.

**SURVIVORSHIP** - Another name for **JOINT TENANCY**.

**SUSPEND** - To postpone, stay, or withhold certain conditions of a judicial sentence for a temporary period of time.

**SUSTAIN** - To maintain, to affirm, to approve.

**SWEAR** - To put to oath and declare as truth.

**TANGIBLE** - Capable of being perceived, especially by the sense of touch.

**TANGIBLE PERSONAL PROPERTY MEMORANDUM (TPPM)** - A legal document referred to in a will and used to guide the distribution of personal property that you can move or touch. For example, furniture, computers, jewelry, and artwork.

**TAXATION OF COSTS** - The process of ascertaining and charging up the amount of costs in an action to which a party is legally entitled, or which are legally chargeable. Adjustment; fixing the amount.

**TEMPORARY RELIEF** - Any form of action by a court granting one of the parties an order to protect its interest pending further action by the court.

**TEMPORARY RESTRAINING ORDER (TRO)** - A court order that says a person must not do certain things that are likely to cause harm that can't be fixed.

**TENANCY** - An interest in real estate which passes to the tenant.

**TESTAMENT** - A will disposing of personal property. (See **WILL**.)

**TESTAMENTARY CAPACITY** - The legal ability to make a will. To write a will, a person has to be at least 18 years old; know what property he or she owns; and know who he or wants to give the property to.

**TESTAMENTARY DISPOSITION** - A disposition of property by way of gift, which is not to take effect unless the grantor does or until that event.

**TESTAMENTARY GUARDIAN** - A guardian appointed by the last will of a father for the person and real and personal estate of his child until the child reaches full age.

**TESTAMENTARY TRUST** - A trust created in a will. The trust does not exist until the person dies.

**TESTAMENTARY TRUSTEE** - A person appointed to carry out a trust created by a will.

**TESTATE** - One who has died leaving a will or one who has made a will.

**TESTATOR** - Male person who makes a will (female: *testatrix*).

**TESTATRIX** - Female person who makes a will (male: *testator*).

**TESTIFY** - To give evidence under oath as a witness in a court proceeding.

**TESTIMONY** - Oral evidence at a trial or deposition.

**THEFT** - The act of stealing or the taking of property without the owner's consent.

**THIRD-PARTY** - A person, business, or government agency not actively involved in a legal proceeding, agreement, or transaction.

**THIRD-PARTY CLAIM** - An action by the defendant that brings a third party into a lawsuit.

**THREE STRIKES LAW** - Law that subjects person convicted of felony who has two or more prior serious or violent felonies to a life term in prison.

**TIME SERVED** - A sentence given by the court to a convicted criminal equal to the amount of time that the criminal was incarcerated during the trial.

**TIME WAIVER** - When you give up the right to have a certain phase of the legal process take place within the normally specified amount of time.

**TITLE** - Ownership or evidence of ownership of land or other property.

**TORT** - When a person is hurt because someone did not do what he or she was supposed to do. The most common tort action is a suit for damages as a result of an automobile accident. See EX DELICTO.

**TORTURE** - To inflict intense pain to body or mind for purposes of punishment, or to extract a confession or information, or for sadistic pleasure.

**TRANSACTIONAL MALPRACTICE** - Professional misconduct, unreasonable lack of skill in professional duties, or illegal or immoral conduct in regards to an act of transacting or conducting any business.

**TRANSCRIPT** - A record of everything that is said in a hearing or trial.

**TRANSFERRED INTENT** - Doctrine under which original malice is transferred from one against whom it was entertained to person who actually suffers consequence of unlawful act. When one attempts to kill a certain person, but by mistake or inadvertence kills a different person, the crime, if any, so committed is the same as though the person originally intended to be killed, had been killed.

**TRANSITORY** - Actions that might have taken place anywhere.

**TRAVERSE** - In common law pleading, a denial. Where a defendant denies any material allegation of fact in the plaintiff's declaration.

**TRESPASSING** - Unlawful interference with one's person, property and rights.

**TRIAL** - A court process in which the issues of fact and law are heard and decided according to legal procedures so a judicial officer or jury can make a decision.

**TRIAL DE NOVO** - A new trial or retrial held in an appellate court in which the whole case is heard as if no trial had been heard in the lower court or administrative agency.

**TRIAL COURT** - The first court to consider a case, generally the superior court. Compare APPELLATE COURT).

**TRIAL, COURT (BENCH)** - A trial where the jury is waived and the case is seen before the judge alone.

**TRIAL, SPEEDY** - The Sixth Amendment of the Constitution guarantees the accused to an immediate trial in accordance with prevailing rules, regulations and proceedings of law.

**TRIAL STATUS/SETTING CONFERENCE** - See PRETRIAL SENTENCE.

**TRIER OF FACT** - Term includes the jury or the judge in a jury-waived trial, who have the obligation to make finding of fact rather than rulings of law.

**TRO** - See TEMPORARY RESTRAINING ORDER.

**TROMBETTA MOTION** - A motion to suppress evidence for failure to preserve the same.

**TRUE BILL** - The endorsement made by a grand jury on a bill of indictment when it finds sufficient evidence for trial on the charge alleged.

**TRUE FINDING** - The juvenile court equivalent of a guilty verdict.

**TRUE TEST COPY** - A copy of a court document given under the clerk's seal, but not certified.

**TRUST** - A legal device used to manage real or personal property, established by one person (the *GRANTOR* or *SETTLOR*) for the benefit of another (the *BENEFICIARY*). A third person (the *TRUSTEE*) or the grantor manages the trust. In Traffic - Trust is an account into which bail is posted to insure appearance or compliance until the case is settled.

**TRUST AGREEMENT OR DECLARATION** - The legal document that sets up a trust.

**TRUSTEE** - The person or institution that manages the property put in trust.

**TURNCOAT WITNESS** - A witness whose testimony was expected to be favorable, but who later becomes an adverse witness.

**UNCONSCIONABILITY** - An absence of meaningful choice on the part of one of the parties to a contract, and contract terms which are unreasonably favorable to the other party.

**UNCONSTITUTIONAL** - That which is contrary to or in conflict with the federal or state constitutions.

**UNDERCOVER** - A person participating in a secret investigation in order to acquire information about the crime without the other party realizing their identity.

**UNDERTAKING** - A promise given during legal proceedings by a party or his attorney, usually as a condition of getting some concession from the court or third party.

**UNDUE INFLUENCE** - When someone pressures the person making a will (called testator) to include or leave out people or things from his or her will. This can be a reason to challenge a will.

**UNDER THE INFLUENCE** - Any abnormal mental or physical condition which is the result of indulging in any degree in intoxicating liquors, and which tends to deprive one of that clearness of intellect and control of himself which he would otherwise possess.

**UNEMPLOYMENT** - State or condition of not being employed.

**UNILATERAL** - One-sided, or having a relation to only one of two or more persons or things.

**UNJUST ENRICHMENT, DOCTRINE OF** - The principle that one person should not be permitted to unjustly enrich himself at the expense of another, but should be required to make restitution for the property or benefit received.

**UNLAWFUL ASSEMBLY** - At common law, the meeting together of three or more persons, to the disturbance of the public peace, and with the intention of forcible and violent execution of some unlawful private enterprise.

**UNLAWFUL DETAINER** - The eviction papers (Summons and Complaint) that a landlord gives a tenant.

**UNRUH CIVIL RIGHTS ACT** - This law provides protection from discrimination by all business establishments in California, including housing and public accommodations, because of age, ancestry, color, disability, national origin, race, religion, sex, or sexual orientation.

**UNSECURED** - In bankruptcy proceedings, for the purposes of filing a claim, a claim is unsecured if there is no collateral, or to the extent the value of collateral is less than the amount of the debt.

**USURY** - Charging a higher interest rate or higher fees than the law allows.

**UTTER** -- To use or to attempt to use a check, draft, or order to either (1) assert that it is genuine, or (2) represent to another person that it is genuine.

**VACATE** - To render an act void; to set aside.

**VAGRANCY** - The state or manner of living by wandering from place to place without a home, job, or means of support.

**VANDALISM** - Willful or malicious acts that are intended to damage or destroy public or private property.

**VEHICULAR HOMICIDE** - Caused by the illegal operation of a motor vehicle. Both intentional conduct and negligence may be the basis for such charge though statutes vary from state to state as to the elements of the crime.

**VENIRE** - Describes the whole group of people called for jury duty from which the jurors are selected. Latin meaning "to come."

**VENUE** - The court where you can file your action.

**VERDICT** - A jury's or a judge's final decision.

**VERIFICATION** - An oral or written statement, usually made under oath, saying that something is true.

**VEXATIOUS LITIGANT** - A person shown to repeatedly file legal actions that have little or no merit.

**VICARIOUS RESPONSIBILITY** - Acting or serving in place of someone or something else.

**VICTIM** - A person who is the object of a crime or civil wrongdoing.

**VICTIM IMPACT STATEMENT** - A statement during sentencing which informs the judge of the impact of the crime on the victim or the victim's family.

**VIOLATION** - A breach of a right, duty, or law.

**VIOLATION OF PROBATION** - A new allegation against a defendant for non-compliance with a previous probation condition related to a criminal sentence.

**VISITATION** - Times when the parent who does not have custody is with the children and is responsible for them.

**VOIR DIRE** - The process of questioning potential jurors to choose the people who will decide a case. Latin meaning "to speak the truth."

**VOLUNTARY ARRAIGNMENT LETTER** - A notice sent by the District Attorney to a defendant indicating date, time and department for appearance in court on newly filed charges for which there is no signed promise to appear.

**VOLUNTARY MANSLAUGHTER** - Committed voluntarily during a heated moment; for example, during a sudden quarrel, two persons fight, and one of them kills the other.

**VOLUNTARY UNDERTAKINGS** - An act unconstrained by interference; spontaneous; or of oneself.

**WAIVE (RIGHTS)** - To give up a legal right voluntarily, intentionally, and with full knowledge of the consequences.

**WAIVER AND ESTOPPEL** - Voluntary surrender of some known right, benefit, or advantage.

**WAIVER OF IMMUNITY** - A means authorized by statute by which a witness, before testifying or producing evidence, may relinquish the right to refuse to testify against himself or herself, making it possible for his or her testimony to be used against him or her in future proceedings.

**WARD** - A minor who is under the care and control of the court instead of the parents.

**WARD OF THE COURT** - A person under the age of 18 when he/she violates a criminal law or ordinance. The minor is under the care and supervision of the court.

**WARRANT** - A court order telling an officer to do something.

**WARRANT, ARREST** - Commands a peace officer to arrest and bring before the court the person accused of an offense for purpose of commencing legal action.

**WARRANT, SEARCH** - A written order directing a law enforcement officer to conduct a search of a specified place and to seize any evidence directly related to the criminal offense.

**WEAPON** - An instrument used or designed to be used to threaten, injure or kill someone.

**WEAPON, CONCEALED** - A weapon that is carried by a person, but that is not visible by ordinary observation.

**WEAPON, DEADLY** - A weapon, device, instrument, material or substance, whether animate or inanimate, which if used as it is used or intended to be used is known to be capable of producing death or serious bodily injury.

**WEIGHT OF THE EVIDENCE** - The persuasiveness of certain evidence when compared with other evidence that is presented.

**WHEELER MOTION** - A motion to dismiss a jury panel due to the prosecution's exclusion of a particular class of people (i.e. black jurors, women, etc.).



**WILL** – A legal paper that says what a person wants to happen to his or her personal property after the person dies. A will can be changed or cancelled at any time before a person dies. (See **TESTAMENT**.)

**WILLFUL** – A “willful” act is one done intentionally, as distinguished from an act done carelessly or inadvertently.

**WITH PREJUDICE** – Applied to orders of judgment dismissing a case, meaning that the plaintiff is forever barred from bringing a lawsuit on the same claim or cause.

**WITHOUT PREJUDICE** – When rights or privileges are not waived or lost. If your case is dismissed without prejudice it means that there can be a new case about the same thing.

**WITNESS** – 1. A person called testify about what he or she saw, heard, or knows. 2. To sign your name to a document for the purpose of authenticity.

**WITNESS STAND** – The space in the courtroom occupied by a witness while testifying.

**WITNESS, DEFENSE** – A non-hostile witness that is called by the defense counsel to assist in proving the defense’s case.

**WITNESS, EXPERT** – Qualified by knowledge, skill, experience, training or education to provide a scientific, technical or specialized opinion of the subject about which he or she is to testify. That knowledge must not be generally possessed by the average person.

**WITNESS, HOSTILE** – An uncooperative witness.

**WITNESS, MATERIAL** – A witness who can give testimony relating to a particular matter that very few others, if any, can give.

**WITNESS, PROSECUTION** – The person whose complaint begins a criminal prosecution and whose testimony is mainly relied on to secure a conviction at the trial.

**WOBBLER** – A felony which provides either a county jail sentence or a state prison commitment and which can be held to answer as a felony or a misdemeanor.

**WORK FURLOUGH** – A correctional program which allows inmates, primarily one’s being readied for discharge, to leave the institution for the purpose of continuing regular employment during the daytime but reporting back on nights and weekends.

**WORK PROJECT** – Program allowing sentenced person the option of performing labor instead of jail time.

**WRAP AROUND SERVICES** – Specialized and intensive social and health services for families with children concurrently residing in a group home or at risk of entering a group home, designed to reduce the level of foster care or facilitate the placement of a child with his/her parent instead of foster care.

**WRIT** – A court order that says certain action must be taken.

**WRIT OF EXECUTION** – A court order that tells the sheriff to enforce a judgment.

**WRIT OF MANDATE** – A petition used to compel the court, officer, or agency to perform a duty required by law or to compel a court to assume jurisdiction and exercise its discretion after its refusal to act.

## **Legal Glossary (Russian)** **Юридический Глоссарий**

1203.3. PC MOTION – Прошение суду отменить, смягчить, изменить или прекратить испытательный срок.

1203.4 PC MOTION -- Прошение суду разрешить подсудимому взять назад признание вины или отклонить вердикт виновности (подается после того, как испытательный срок либо закончен, либо прекращен судом).

170.6 PC MOTION – Прошение дисквалифицировать судью, назначенного для слушания дела.

925 PC MOTION - Прошение подсудимого отменить пункт обвинения.

ABANDONMENT - Когда родитель оставляет ребенка без достаточной заботы, надзора, средств к существованию или не общается с ребенком в течение продолжительного периода времени.

ABATE - Положить конец; прекратить.

ABATEMENT OF ACTION - Судебное дело, которое откланено или закончено.

ABDUCTION - Преступление, заключающееся в уводе жены, ребенка или подопечного путем обманного убеждения или применения силы.

ABROGATE - Аннулировать или отменить старый закон, применяя новый или конституционную власть.

ABSTRACT - Краткое изложение деятельности суда или государственной организации. В делах по автодорожному движению это является документом, посылаемым в Отдел автотранспорта для дополнения документации.

ABSTRACT OF JUDGMENT - Краткое изложение окончательного решения суда. Может быть использовано для удержания имущества до уплаты долга, если это решение зарегистрировано в Районном регистрационном учреждении.

ABSTRACT OF RECORD - Краткая форма дела.

ABUSE- (1) Чрезмерное или неправильное использование, (2) причинение кому-либо физического, сексуального или психологического повреждения.

ABUSE OF PROCESS - Неправильное применение власти суда или злоупотребление властью суда.

ACCESSORY – Лицо, помогавшее преступнику до или после совершения преступления.

ACCIDENT AND MISFORTUNE - Непреднамеренное действие; непредвиденное действие причинившее несчастье.

ACCOMPLICE – Лицо, помогающее кому-либо совершить преступление, с целью или без таковой.

ACCORD - Соглашение между сторонами в судебном процессе, которое прекращает судебное дело.

ACCORD AND SATISFACTION - Соглашение сторон разрешить дело или спор, в котором стороны обычно согласны дать или принять что-либо.

ACCRUAL - Общая сумма оплаты содержания ребенка, которая должна быть выплачена в настоящий момент или за незаплаченный долг в прошлом.

ACCUSATION - Формальное обвинение предъявленное лицу.

ACCUSED – Лицо, которому предъявлено обвинение в совершении преступления и которое должно явиться в суд по криминальным делам (см. DEFENDANT).

ACKNOWLEDGMENT – Заверение что что-либо является правдой.

ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT- Судебное форма, которую лицо выигравшее дело должно заполнить, подписать и представить суду когда судебный долг оплачен. Обратная сторона Notice of Entry of Judgment может быть подписана и представлена суду (см. Judgment Creditor, Judgment).

ACQUIT – Законно установить невиновность лица, обвиненного в преступлении; выпустить на свободу или освободить от обвинения.

ACQUITTAL - Признание судьей или присяжными невиновности подсудимого.

ACTION - Дело, возбужденное одним лицом против другого с целью защиты прав, предотвращения беспорядка или наказания за преступления.

ACTION *IN PERSONAM* - Привлечение к суду с целью возвращения определенной вещи, обычно предмета личной собственности, к примеру, такой, как автомобиль.

ACTION *IN REM* - Судебный процесс “против вещи”, а не против личных действий (*in personam*). Обычно это судебное дело, касающееся собственности.

ACTIVE STATUS - Дело на рассмотрении суда, но еще не решенное, имеет активный статус (см. Disposition, Pending).

**ACTUAL LOSS** - Доказывание, что истец или пострадавшая сторона имеет потерю собственности или другой ценности по причине обмана, подделки или других незаконных действий. В преступлении по подделке намерение обмануть является необходимым элементом, однако факта потери нет необходимости установить.

**AD LITEM** - Происходит от Латинского слова, обозначающего “для цели судебного процесса”. Например, опекун *ad litem* является лицом, назначенным судом для защиты интересов несовершеннолетнего или неполноценного в судебном разбирательстве.

**ADD-ON** - Дополнительное дело, которое добавляется к списку дел, назначенным для слушания, после того, как список был составлен.

**ADDENDUM** - Что-либо, что необходимо добавить или добавление.

**ADDICTION** - Эмоциональная зависимость от употребления наркотиков и в результате непреодолимая потребность продолжать употребление наркотиков и требование все более сильных доз.

**ADDITUR** – Увеличение судом суммы присужденных вердиктом жюри денег. В качестве условия прошение на разрешения нового суда отклонено. Лицо, против которого было возбуждено дело, должно дать согласие на увеличение суммы, однако согласия лица, которое возбудило дело не требуется.

**ADHESION CONTRACTS** – Контракт, условия которого не предоставляют одной стороне выбора.

**ADJOURNMENT** - Отложения судебного слушания до другого времени или места.

**ADJUDICATE** - Когда дело слушается и решается судьей.

**ADMIN PER SE** - Означает по-латински “сам, по своему существу”. Департамент Автотранспорта имеет право отобрать водительские права у шофера, у которого содержание алкоголя в крови превысило 0,08 %, или если шофер отказался подвергнуться анализу.

**ADMINISTER** – (1) Управлять; (2) сделать инъекцию наркотика, дать вдохнуть или выпить,, или другим любым способом лицу, которому наркотик требуется.

**ADMINISTRATIVE PROCEDURE** - Действия исполнительных правительственных органов без вмешательства суда.

**ADMINISTRATIVE REVIEW OR “AR”** - Обзор средств на содержание детей, проживающих долгосрочно в семьях, куда дети были отданы на воспитание,

группой людей, назначенных Министерством Здравоохранения и Помощи (Department of Health and Human Services DHHS). Обзор проводится по меньшей мере раз в год. Группа рассматривает доклад от DHHS. Обзор открыт для родителей ребенка, адвоката родителей и адвоката.

ADMINISTRATOR - (1) Мужчина, представляющий состояние лица, которое умерло не оставив завещания; (2) должностное лицо суда.

ADMINISTRATRIX – Женщина, представляющая состояние лица, которое умерло не оставив завещания.

ADMISSIBLE - Уместный и допустимый при выносе решения.

ADMISSIBLE EVIDENCE – Факты, которые могут быть законно использованы в суде.

ADMISSION - Заявление о том что определенные факты верны, но не о том, что подсудимый признается виновным; сравните с CONFESSION.

ADMONISH – Предупредить, дать совет или сделать выговор.

ADMONITION – Предупреждение, сделанное судьей жюри уважать свои обязанности или использовать факты только с определенной целью.

ADMONITION TO JURORS – Сказанное судьей жюри о том, что нужно делать и какие факты жюри может использовать для достижения решения ("допустимое свидетельство" или допустимые факты) и с какой целью эти факты могут использоваться.

ADOPTION – Установление законных родственных отношений между родителем и ребенком если они не связаны по крови.

ADOPTIVE ADMISSION -- Действие стороны, которое рассматривается как согласие с действием другого лица.

ADVERSARY SYSTEM - Система судебной практики в США и некоторых других странах, по которой каждая из противостоящих сторон имеет возможность представить и установить перед судом противостоящие позиции.

ADVERSE WITNESS – Лицо, вызванное для дачи показаний для другой стороны.

AFFIANT – Лицо, которое дает и подписывает affidavit.

AFFIRMATION - Апелляционный суд считает, что решение нижестоящего суда правильно.

**AFFIRMATIVE DEFENSE** - Когда подсудимый или лицо, отвечающее по гражданскому делу, имеет причину своей невиновности и представляет суду новое свидетельство доказывающее это. Защита должна доказать то, что называется бремя доказательства. Защита должна объяснить эту защиту в своем ответе.

**AFFIRMED** - В апелляционных судах это означает, что решение суда правильно.

**AFTER ACQUIRED INTENT** - Когда подсудимый не намеревался совершить преступление до его свершения.

**AGENT** – Лицо, имеющее полномочия действовать за другое лицо.

**AGENCY** - Одно лицо действует за другое или представляет его по полномочию. В делах по автодорожным происшествиям: агенство, которое налагает наказание.

**AGGRAVATION** – Условия, которые могут считаться усиливающими или дополняющими степень наказания.

**AGGRAVATED ARSON** - Намеренно совершенный поджог с целью причинить вред и разрушения постройкам в случаях, когда подсудимый был ранее осужден за поджог, нанесенный ущерб составляет более 5 млн. долларов или по меньшей мере было повреждено 5 жилых зданий.

**AGGRAVATED BATTERY** - Противозаконное применение силы против другого лица, например, опасного оружия.

**AGGRAVATED MAYHEM** - Причинение постоянной инвалидности или изуродование со специальным намерением причинить вред и с исключительным безразличием к здоровью этого лица.

**AGGRAVATED TRESPASS** - Незаконное проникновение на территорию собственности другого лица со специальным намерением исполнить угрозу телесного повреждения.

**AGGRAVATED FACTORS** – Факторы, связанные с совершением преступления, которые усугубили серьезность проступка.

**AGGREGATE TERM** - Общий срок тюремного заключения.

**AGREED STATEMENT OF FACTS** - Представление всех важных фактов, которые обе стороны считают верными и которые предоставлены суду.

**AGREEMENT** - Когда люди, вовлеченные в спор, соглашаются в чем-либо.

**AID AND ABET** - Оказать помощь в совершении преступления.

**AIDER AND ABETTOR** – Лицо, имеющее преступные намерения и помогающее другому лицу совершить преступление.

**ALLEGE** – Заявить, что что-то является правдой, даже если нет доказательства.

**ALLEGED** - Голословное утверждение; лицо обвиняемое, но вина которого еще не доказана.

**ALLEGATION** – Заявление, которое было сделано, но еще не доказано.

**ALLEGED FATHER** – Мужчина, который, возможно, является отцом ребенка.

**ALIAS** - Известный под другим именем или означает 'также известен, как' сокращение AKA.

**ALIBI** - Защита утверждает, что обвиняемый был где-то в другом месте во время совершения преступления.

**ALIMONY** – Деньги, которые по приказу суда лицо должно платить своей супруге или бывшей супруге.

**ALLOCUTION** - Заявление подсудимого, стремящегося уменьшить наказание.

**ALTERATION, FORGED BY** - Добавление, стирание или изменение документа, чтобы изменить его первоначальный вид с целью обмана другого лица.

**ALTERNATIVE DISPUTE RESOLUTION (ADR)** - Методы решения споров без официальных судебных действий. Эти методы включают ходатайство и арбитраж.

**AMEND** - Добавить что-либо в заявление, поданное в суд или изменить его.

**AMENDMENT** - Изменение в результате поправки, дополнения или вычеркивания.

**AMICUS CURIAE** – Лицо, не участвующее в судебном деле, но дающее совет суду относительно закона, применяемого в деле. Происходит от латинского слова, означающего 'друг суда'.

**ANNOTATION** - Краткое изложение дела или комментариев на судебное дело, законодательные акты или правила.

**ANNUAL REVIEW** - Ежегодный судебный обзор.

**ANNULMENT** – Судебное действие, утверждающее, что по причине психической неполноценности, кровосмешения, бигамии, слишком молодого возраста, обмана, насилия или физического бессилия брак недействителен.

**ANONYMOUS** - Скрытие своего имени.

**ANSWER** - Заявление о том, что обвиняемый пишет ответ на жалобу, поданную в гражданский суд, и указывает какую защиту он будет использовать.

**ANTICIPATORY BREACH** - Когда лицо обязанное исполнять обязательства указанные в контракте, заявляет, что он не может и не будет это делать.

**APPEAL** - Когда лицо, проигравшее судебное дело или часть его, обращается в высший суд, апелляционный суд с просьбой пересмотреть решение суда и установить его правильность. Это действие называется апеллировать. Лицо, которое апеллирует, называется подающий апелляцию.

**APPEARANCE** - Появление в суде или судебный документ извещающий что кто-либо он участвует в судебном процессе.

**APPEARANCE PROCESS REPORT (APR)** - Постановление суда о представлении доклада Министерством здравоохранения по вопросу, запрашиваемому судом.

**APPELLANT** – Лицо, подающее апелляцию по поводу решения суда. (См. APPELLEE)

**APPELLATE** - Иметь дело с апелляциями. Апелляционный суд может пересмотреть решение нижестоящего суда, который называется первым судом, рассматривающим дело или высшим судом. Например, Калифорнийский апелляционный суд пересматривает решение высшего (superior) суда.

**APPELLATE COURT** – Суд, который может пересмотреть применение закона при решении дела в нижестоящем суде.

**APPELLATE JURISDICTION** - Апелляционный суд имеет право пересмотреть и изменить решение нижестоящего суда.

**APPELLEE** – Лицо, отвечающее на апелляцию в высший суд.

**ARBITRATION** - Когда нейтральное, не вовлеченное в дело лицо выслушивает показания и аргументы и принимает решение. Сравни с **MEDIATION**.

**ARGUMENT** – Заявление, сделанное адвокатом судье или жюри по фактам дела или пунктам закона.



**ARMING CLAUSE** - Дополнение к пункту обвинения в связи с тем, что обвиняемый или его сообщник были вооружены.

**ARRAIGN** – Процесс, когда обвиняемый вызван в суд, где предъявлено обвинение, и обвиняемому дается возможность признать вину или настаивать на невинности.

**ARRAIGNMENT** - Когда обвиняемый в преступлении предстает перед судом, ему предъявляют обвинение и спрашивают признает ли он себя виновным.

**ARREARAGE** - Оплата содержания ребенка просрочена или не выплачивается.

**ARREST** - Арест на законном основании лица, обвиняемого в преступлении.

**ARREST OF JUDGMENT** - Отсрочка вынесенного постановления суда.

**ARSON** - Злостный поджог жилого дома или промышленного предприятия.

**ASSAULT** - Когда кто-либо угрожает причинить вред кому-либо или пытается сделать это (см **BATTERY**).

**ASSAULT WITH A DEADLY WEAPON** - Когда кто-либо пытается причинить вред лицу или угрожает нанести телесные повреждения с применением оружия, такого как пистолет или нож.

**ASSESSMENT** - Дополнительное обвинение в деле.

**ASSIGNEE** - Лицо или предприятие которое назначено правопреемником первоначального кредитора. Можно поручить свое судебное разбирательство другому лицу или предприятию.

**ASSIGNMENT** - Выбор кого-либо для выполнения какого-либо дела. В суде это назначение судей для разбора дела или назначение адвоката для представления несовершеннолетних или обвиняемых, а также назначение судьи в другой суд для временной замены судьи, находящегося в отпуске или на лечении и. т. д. или для оказания помощи в разборе судебных дел.

**ASSIGNMENT OF SUPPORT RIGHTS** - Когда лицо, получающее общественную помощь, соглашается отдать государству деньги, которые будут получены в будущем из других источников. Это лицо получает деньги и другие привилегии от государства. Поэтому государство может использовать часть содержания ребенка, чтобы оплатить стоимость этой общественной помощи.

**ASSIGNMENT ORDER** - Решение суда, принятое после обращения с просьбой к суду в которой говорится, что лицо, проигравшее дело, должно передать определенные права лицу, выигравшему дело. Проигравший дело может оплатить,

используя арендную плату, зарплату от федерального правительства, комиссионные от продажи, авторский гонорар, годные к принятию счета или может оплатить в рассрочку (Это также имеет название 'PROMISSORY NOTES или JUDGMENTS).

ASSUMPTION OF RISK - Защита в судебном деле о личном повреждении. Сущность защиты состоит в том, что истец создавал опасность условий, вызвавших повреждение.

AT ISSUE - Время в судебном процессе, когда пострадавшая сторона делает заявление и другая сторона отрицает вину и дело готово к суду.

AT ISSUE MEMORANDUM - Судебные документы, извещающие что дело готово к суду.

ATTACHMENT- (1) Документ, приложенный к судебным документам для дополнительной информации; (2) получение решения суда о том, что можно взять часть собственности.

ATTACHMENT FOR DEFAULTER - Действие суда по аресту лица, кроме того, которое является подсудимым в уголовном деле (См. ATTACHMENT, BENCH WARRANT).

ATTEMPT – Попытка совершить преступление или какой-либо акт.

ATTEST - Дать показания, подтвердить то, что что-либо является правдой, удостоверить.

ATTORNEY – Лицо, имеющее право представлять клиентов в суде и давать юридические советы (см. COUNSEL).

ATTORNEY OF RECORD - Адвокат представляющий какое-либо лицо в судебном деле и имя которого находится в судебной документации.

ATTORNEY-AT-LAW - Адвокат подготавливающий и ведущий судебные дела.

ATTORNEY-IN-FACT – Лицо, не обязательно являющееся адвокатом, которое уполномочено кем-либо действовать вместо него или ее для каких-либо специальных целей или для ведения всего дела. Эти полномочия оформляются письменно и называются доверенностью.

AUDIT - Проверка записей и счетов для определения их полноты и точности.

AUTHENTICATE - Удостоверить подлинность записи или других письменных документов.

AUTO TAMPERING – Манипуляции, проводимые с автомобилем или его деталями.

AUTOMATED ADMINISTRATIVE ENFORCEMENT OF INTERSTATE CASES (AEI) - Раздел Постановления о личной ответственности и урегулировании разногласий, который позволяет удержать имущество за долги и конфисковать собственность людей, имеющих деньги и проживающих в другом штате.

AUTOMATED VOICE RESPONSE SYSTEM (AVR) - Система телефонной связи, дающая информацию по телефону.

AVERAGE ADULT PERSON - Среднее предположительное лицо, представляющее всех взрослых лиц общества, религиозных и нерелигиозных, всех образовательных, экономических и социальных рангов, с нормальным и здоровым мировоззрением и нормальными инстинктами и интересами в отношении пола (в смысле соблюдения приличий).

BACKLOG - Все судебные дела, которые не были решены или не решены в назначенный срок.

BAD FAITH - Действительный или предполагаемый обман или намерение ввести в заблуждение или обмануть другое лицо.

BAIL – Деньги, заплаченные за освобождение обвиняемого или свидетеля от взятия под стражу и для того, чтобы иметь гарантию, что он явится в суд в назначенное время.

BAIL BOND - Официальный документ который покупают и представляют в суд вместо внесения залога. Обвиняемый ставит свою подпись и отпускается на свободу. Но если это лицо не явится в суд в назначенное время оно обязано заплатить сумму денег, указанную в этом документе.

BAIL BONDSMAN – Лицо, ответственное за оплату официального документа который представляют в суд вместо залога, чтобы освободить обвиняемого от ареста.

BAIL EXONERATION - Возврат залога или когда лицо ответственное за оплату документа, представленного в суд в качестве залога, или страховая компания не несут больше ответственности за чей-либо залог.

BAIL FORFEITURE - Постановление суда удержать залог, потому что обвиняемый не явился в суд в назначенное время.

BAILIFF – Бейлиф, должностное лицо, ответственное за безопасность суда. Бейлиф назначается шерифом.

**BAILMENT** - Доставка товара от одного лица другому под залог или на веру в целях выполнения договоренности об услугах.

**BAIL NOTICE** - Судебное извещение полученное из суда о том, что суд вышлет ордер на арест если обвиняемый не явится в суд или не заплатит залог.

**BAIL RECEIPT** - Письменное подтверждение, выданное обвиняемому судом, в том что залог оплачен.

**BAIL REVIEW** - Слушание о переоценке суммы залога, которая была установлена первоначально.

**BALLARD MOTION** - Прошение суду разрешить психиатрический осмотр пострадавшего или свидетеля обвиняемой стороны в уголовном деле.

**BANK LEVY** - Выполнение решения по взыманию денег у владельца. Деньги берутся со счета в банке, из сбережений, с заема или из кредитного учреждения.

**BANKRUPT** – Лицо, неспособное уплатить свой долг.

**BANKRUPTCY** - Законный способ для предприятия или лица получить помощь в случае, если они не могут заплатить долг. В суде по делам несостоятельных должников они могут заплатить только часть долга, остальная часть прощается. Есть специальные судьи по делам должников.

**BAR** - Все адвокаты, имеющие право заниматься судебной практикой. Например, коллегия адвокатов штата включает всех адвокатов, имеющих право работать адвокатом в этом штате.

**BAR EXAMINATION** - Государственный экзамен для получения права адвоката заниматься судебной практикой.

**BASE TERM** - Срок заключения, назначенный судом в соответствии с Законом об определении приговора.

**BATTERED CHILD SYNDROME (BCS)** - Психическое состояние ребенка, когда внешние и внутренние повреждения были нанесены родителями или опекуном.

**BATTERY** - Незаконное избиение, применение физической силы или контролирование лица без его согласия (Сравни с ASSAULT).

**BATTERY, SPOUSAL** - Оскорбительное прикосновение или применение силы против супруги без ее согласия (Сравни с BATTERY).

**BEAGLE MOTION** - Прошение исключить какие-либо упоминания о предыдущих судимостях обвиняемого.

**BEHAVIOR INTERVENTION PLAN** – План, составленный местной образовательной организацией с целью изменения поведения студентов, которые составляют угрозу самим себе или окружающим.

**BENCH** – (1) Стол, за которым сидит судья; (2) Судьи вообще или специальный судья.

**BENCH CONFERENCE** - Совещание у стола судьи между судьей адвокатом и иногда подзащитным, но без присутствия жюри.

**BENCH TRIAL** - Суд без жюри, когда судья решает дело.

**BENCH WARRANT** - Приказ судьи арестовать лицо, которое не выполнило постановления суда. Например, не явилось в суд в назначенное время. (См. **WARRANT, WRIT**).

**BENEFICIARY** – Лицо, получающее что-либо из траста.

**BENEFIT OF THE BARGAIN RULE** – Закон, по которому лицо может установить разницу между действительной стоимостью собственности и запрашиваемой ценой.

**BEQUEATH** - Оставить кому-либо что-либо по завещанию.

**BEQUESTS** – То, что оставляется кому-либо по завещанию.

**BEST EVIDENCE** - Доказательство первостепенной важности, лучшее доказательство. Например, оригинал письма является лучшим доказательством, а фотокопия письма - вторичное доказательство.

**BEYOND A REASONABLE DOUBT** – Степень доказательства в уголовном судебном деле, которая необходима для того, чтобы убедить жюри что все элементы преступления доказаны или доказаны сверх всякого сомнения.

**BIAS** – предвзятость, предрасположенность к определенному решению.

**BIRFURCATE** – Суд рассматривает отдельно определенные вопросы, например, виновность и уголовная ответственность или ответственность и сумму, которую ответчик в гражданском деле должен будет выплатить.

**BIRFURCATION MOTION** - Прошение изменить порядок вопросов, которые слушаются на суде.

**BILL OF PARTICULARS** - Представление суду подробностей обвинения, выдвинутого против обвиняемого.

**BIND** - Делать себя или кого-либо еще ответственным за что-либо на законном основании.

**BIND OVER** - Решение судьи, вынесенное до начала суда о том, что имеется достаточно свидетельств для судебного дела.

**BLOOD-ALCOHOL CONTENT (BAC)** - Измерение содержания алкоголя в граммах на миллилитр крови или на 210 литров дыхания.

**BLOOD TEST** - Анали крови какого-либо лица в целях выяснения (1) сколько химических веществ находится в крови; (2) кто является отцом ребенка.

**BODY ATTACHMENT** - Письменный приказ, изданный судом, дающий право полицейскому взять под стражу и привести в суд следующих лиц (1) свидетеля, который не явился по вызову; (2) сторону, которая не выполнила постановление суда в гражданском деле; (3) важного свидетеля в криминальном деле.

**BONA FIDE** – Искренний, без обмана; Происходит от латинского 'кому можно доверять'.

**BOND** - Расписка или свидетельство о долге.

**BOOK (BOOKING)** - Действия полицейских при аресте кого-либо, взятие отпечатков пальцев, фотографирование и запись личных данных.

**BOOKING NUMBER** – Номер, присваиваемый записи о совершении преступления, что соответствует аресту лица.

**BOOKMAKING** - Сбор ставок и подсчет шансов в играх.

**BRADY MOTION** - Прошение к суду, сделанное защитой, в случае, когда окружной прокурор не проинформировал защиту о вещественном доказательстве.

**BRANDISHING A WEAPON** - Предъявление оружия другому лицу, обычно полицейскому или жертве.

**BREACH** - Нарушение закона, права, обязательства или долга совершением действия или отказом сделать что-либо.

**BREACH OF PEACE** - Каждое лицо, которое незаконно вступает в драку в общественном месте или по своей воле умышленно беспокоит другое лицо громким и беспричинным шумом реагирует с применением силы.

**BREAKING AND ENTERING** - Проникновение в чей либо дом в ночное время с целью совершения преступления.

**BREATHALYZER TEST** - Анализ дыхания для определения сколько алкоголя содержится в крови.

**BRIBE** - Подарок или денежная сумма, данная кому-либо, чтобы повлиять на его действия.

**BRIEF** - Письменное заявление, представленное суду каждой стороной, в котором объясняется их позиция.

**BURDEN OF PROOF** - Когда одно лицо, участвующее в судебном деле должно представить больше доказательств, чем другое лицо.

**BURGLARY** – Когда лицо проникает в чужой дом, здание с целью совершить кражу или другое серьезное преступление.

**BYSTANDERS** - Случайный наблюдатель чего-либо, лицо, не имеющее отношения к происходящему.

**CALENDAR** - Список в алфавитном порядке всех судебных дел которые разбираются в суде ежедневно. "To Calendar " означает назначить день, время и комнату для судебного заседания.

**CALIFORNIA RULES OF COURT** - Правила проведения судебных дел в судах штата Калифорния.

**CALJIC** - Инструкции для жюри по криминальным делам в Калифорнии.

**CALLING THE DOCKET** - Публичное зачитывание списка дел, назначенных к слушанию в начале судебного заседания, для назначения времени, продолжительности суда и вынесения решений.

**CAPACITY** – Способность лица действовать по своей воле.

**CAPITAL CASE** - Криминальное судебное дело, когда подсудимый может получить смертный приговор.

**CAPITAL CRIME** – Преступление,, наказуемое смертной казнью.

**CAPITAL OFFENSE** – Преступление, за которое можно получить смертный приговор.

**CAPITAL PUNISHMENT** - Наказание смертной казнью ( См DEATH PENALTY).

**CAPTION** - Надпись в верхней части всех документов, подаваемых в суд, где указываются название дела суд и номер дела.

CARJACKING - Взятие автомобиля, принадлежащего кому-либо, против его воли с применением силы или запугивания.

CASE – Судебное дело или жалоба, подаваемая в криминальный или гражданский суд или суд по автодорожным происшествиям.

CASE FILE - Папка с официальными судебными документами.

CASEFLOW MANAGEMENT - Ведение судебного дела, начиная с первого документа, поступившего в суд, и кончая вынесением окончательного решения.

CASE ID – Номер, присвоенный судебному делу.

CASE LAW – Закон, принятый на основании ранее принятых решений в подобном деле.

CASE LOAD - Количество дел, которые судья ведет в определенное время.

CASE NUMBER - Номер дела, который ставится на всех документах, поступивших в дело. Также имеет название DOCKET NUMBER.

CAUSATION – Действие, которое явилось причиной какого-либо происшествия.

CAUSE - Судебное дело, судебный процесс.

CAUSE OF ACTION – Обвинения, которые составили судебное дело.

CAUSTIC CHEMICALS - Едкая кислота или огнеопасное вещество.

CAUTIONARY INSTRUCTIONS - Когда судья говорит жюри принять во внимание определенное доказательство только для особой цели.

CAVEAT – Предупреждение.

CAVEAT EMPTOR - Покупка вещей на свой собственный риск. Происходит от латинского слова, означающего “пусть покупатель будет осторожным”.

CEASE AND DESIST ORDER - Приказ административного учреждения или суда, запрещающий лицу или предприятию делать что-либо.

CERTIFICATE OF PROBABLE CAUSE – Постановление, подписанное судом, которое дает право подсудимому апеллировать против признания виновным.

CERTIFICATION - Приказ судьи передать криминальное дело в суд другого штата.



CERTIFIED – Утверждение, что что-либо верно или является точной копией.

CERTIFIED COPY - Официальная копия документа из судебного дела, заверенная в том, что она верная полная и действительная копия оригинала.

CERTIORI- Апеллирование в Верховный Суд США.

CHAIN OF CUSTODY - Метод прослеживания нахождения доказательства с момента его получения при аресте и до момента подачи в суд.

CHALLENGE - Право не быть согласным или отстаивать что-либо в судебном деле.

CHALLENGE FOR CAUSE – Причины, которые представляет адвокат для того чтобы вывести жюри или судью из дела. Сравни с PEREMPTORY CHALLENGE.

CHALLENGE TO THE ARRAY - Опрос потенциальных членов жюри с целью выявления их квалификации, обычно на основании проявленного пристрастия или сделанных ошибок в процессе их отбора.

CHAMBERS - Личный кабинет судьи.

CHANGE OF VENUE - Передача гражданского или уголовного дела из одного суда в другой (См. VENUE).

CHARACTER EVIDENCE – Факты, свидетельствующие о том, что обвиняемый является либо плохим, либо хорошим человеком.

CHARGE TO THE JURY – Инструкции, которые дает судья членам жюри о законе, применяемом к фактам дела в судебном деле.

CHARGING DOCUMENT - Обвинение в письменной форме обвиняемого, совершившего преступление. Обвинение включает распоряжения суда явиться в суд, обвинительный акт, информацию и изложение обвинений.

CHATTTEL - Предмет личной собственности.

CHIEF JUDGE - Председательствующий в суде или административный судья.

CHILD ABUSE – Физический, сексуальный или эмоциональный ущерб, нанесенный ребенку.

CHILD ABDUCTION - Похищение ребенка путем обмана, убеждения или насильно.

CHILD MOLESTATION - Любое непристойное или сексуальное действие по отношению к ребенку до 18 лет или в его присутствии.

CHILD PORNOGRAPHY - Любой непристойный материал изображающий ребенка до 18 лет., который совершает или стимулирует сексуальное действие.

CHILD PROCUREMENT - Намеренная отдача ребенка до 16 лет, его доставка и предоставление или обещание, а также побуждение или принуждение ребенка до 16 лет к совершению непристойного или сладострастного акта с другим лицом.

CHILD SUPPORT – Деньги., которые выплачивают родителям ребенка для его обеспечения.

CHILD SUPPORT ENFORCEMENT AGENCY (CSE) – Агентство, существующее в каждом штате, которое занимается розыском родителей, дети которых с ними не проживают (noncustodial parents ) или розыском предполагаемого отца. Это агентство также устанавливает осуществляет выдачу, изменяет или отбирает пособия для существования ребенка.

CIRCUMSTANNIAL EVIDENCE – Свидетельство, которое не является непосредственным и не основано на действительном или личном знании фактов.

CITATION - Распоряжение суда о предъявлении обвинений обвиняемому. Также указание ему явиться в суд и/или поставить денежную сумму под залог его освобождения.

CITED - Когда обвиняемый не взят под стражу ,но дал расписку, что явится в суд в назначенное время.

CIVIL ACTION - Гражданское судебное дело, когда одно лицо или организация подает в суд иск на другое лицо, чтобы защитить свои личные или гражданские права.

CIVIL CASE - Судебное дело о возвращении собственности, принуждении кого-либо выполнить условия контракта или защите гражданских прав.

CIVIL JURISDICTION - Право суда слушать гражданские дела.

CIVIL PROCEDURE - Правила и процесс проведения судебного гражданского дела и подачи апелляции.

CIVIL PROCESS - Судебные документы для сообщения лицам, участвующим в судебном процессе, о начале гражданского суда. Также документы, которые побуждают суд принять решение.

**CIVIL RIGHTS VIOLATION** - Нарушение личных прав, гарантированных и защищенных Конституцией.

**CLAIM** - Заявление о правах на деньги или собственность.

**CLAIM OF EXEMPTION** - Судебный документ, поданный должником суда, в котором дается список собственности должника, которая, по его заявлению, является имуществом свободным от налогов по закону, и поэтому не может быть взята для оплаты долга.

**CLAIM SPLITTING** - Когда разделяют заявление в гражданский суд и возбуждают два дела вместо одного для того чтобы оплата потребованная судом, была ниже допустимого предела. Это не разрешается в большинстве случаев.

**CLASS ACTION** - Судебное дело, возбужденное одним или двумя лицами от имени большой группы людей.

**CLEAR AND CONVINCING EVIDENCE** - Критерий или степень доказательств, используемый в гражданском судопроизводстве. Он определяет количество доказательств, которые должны быть представлены в суд, чтобы истец выиграл дело.

**CLEMENCY OR EXECUTIVE CLEMENCY** - Акт милосердия и сострадания, проявленный президентом или губернатором, в целях облегчения последствий уголовного дела обвинения или приговора. Это может быть в виде смягчения наказания или помилования.

**CLERICAL ERROR** - Непреднамеренная ошибка в написанном тексте, которая может быть сделана клерком, адвокатом или должностным лицом суда (См. NUNC PRO TUNC).

**CLERK** - Должностное лицо суда, которое регистрирует документы, поступающие в суд, прошения в процессе суда, решения суда, обеспечивает ход суда и ведет документацию судебного производства.

**CLERK'S TRANSCRIPT** – Прощения, приказы, affidavits, письменное изложение мнений суда, вещественные доказательства, представленные на суде адвокатами, которые были зарегистрированы и подшиты к делу в процессе судопроизводства и которые собираются вместе с аппеляционными документами и в целом составляют Канцелярские транскрипции.

**CLOSING ARGUMENT** - Заключительная речь адвоката, обращенная к судье или к жюри, после того, как стороны закончили представление своих доказательств.

**CODE** – Закон, утвержденный законодательным актом, кодекс, свод законов. Например, Кодекс гражданского судопроизводства Калифорнии, Гражданский

кодекс Калифорнии, Кодекс по дорожным происшествиям Калифорнии, Уголовный кодекс Калифорнии, Кодекс о здравоохранении Калифорнии.

CODE OF PROFESSIONAL RESPONSIBILITY - Кодекс правил для юристов, который содержит руководство по общей этике и специальные правила, написанные Американской ассоциацией коллегии адвокатов.

CO-DEFENDANT - В криминальном деле это – лицо, обвиняемое в причастности к преступлению как соучастник.

CODICIL - Законный документ, дополняющий или изменяющий завещание.

COERCION – Принуждение с помощью силы, оружия или угрозы.

COHABITANT – Лицо, живущее с другим лицом в одном и том же доме.

COLLATERAL – (1) Собственность, которая является гарантией против долга;  
(2) Лицо, не являющееся прямым родственником, родство по боковой линии.

COLLATERAL ATTACK - Несогласие с судебным разбирательством, но не непосредственное апеллирование в вышестоящий суд.

COMBUSTIBLE MATERIAL OR DEVICE - Способный взорваться или воспламениться, воспламеняемый.

COMMISSIONER – Лицо, выбранное судом и имеющее право слушать дело и принимать решения в определенных аспектах судебного дела.

COMMIT - Совершить что-либо, например, совершить преступление или поставить кого-либо под опеку шерифа или по приказу суда отправить лицо в тюрьму.

COMMITMENT – (1) Заключение лица в тюрьму или психиатрическое заведение;  
(2) Приказ должностному лицу отправить кого-либо в тюрьму или в психиатрическое заведение.

COMMITMENT ORDER - Постановление суда о том, что лицо должно содержаться под стражей обычно в тюрьме или в психиатрическом заведении.

COMMON BARRATRY (также BARRETRY) - Когда входит в привычку начинать борьбу или судебное дело против кого-либо без существенной причины.

COMMON CARRIER - В соответствии с законом обязан везти пассажиров или груз безотказно, если билет оплачен, в противоположность личному транспортному средству или перевозчику по контракту.

**COMMON LAW** – Законы, которые исходят из решений суда, а не законодательных актов или конституций.

**COMMUNITY OBLIGATIONS** – Долг, который должен быть выплачен мужем и женой совместно. Они должны выплатить все, что остались должны во время совместного проживания как супруги. Например, если они купили мебель в кредит во время совместного проживания, то неоплаченный оставшийся долг является частью их совместного обязательства выплаты.

**COMMUNITY PROPERTY** – Все, чем муж и жена владеют совместно. В большинстве случаев это включает (1) деньги или пособия такие как пенсия и ценные бумаги, которые каждый из них заработал во время совместного проживания; (2) все, что каждый из них купил за этот период.

**COMMUNITY SERVICE** – Работа, выполняемая как наказание за совершенное преступление. Работа может выполняться вместо штрафа или испытательного срока.

**COMMUTATION** – Изменение приговора. Например, замена смертной казни на пожизненное заключение.

**COMPARATIVE FAULT** - Процент ошибок или вины сделанных каждой стороной. Имеющая законную силу доктрина, по которой сравниваются действия противостоящих сторон в целях определения, какая из сторон по отношению к другой совершила небрежность.

**COMPENSATORY DAMAGES** – Деньги, которые одно лицо должно выплатить другому лицу, чтобы покрыть стоимость ущерба или повреждения (См. **DAMAGES**).

**COMPETENCE ORDER** - Постановление вышестоящего суда о том, что обвиняемый умственно способен быть судимым, а также о том, что можно продолжать судебное дело.

**COMPETENCY** - Способность лица понимать и общаться особенно, когда дело касается судебного процесса и помощи адвокату в его защите.

**COMPLAINANT** – Лицо, которое начинает судебное дело против другого лица. В гражданском деле - это **PLAINTIFF**, истец. В криминальном деле это государство.

**COMPLAINT**- Законный документ, с которого начинается гражданское судебное дело. Этот документ также используют в криминальном деле. В нем излагается обвинение, которое истец выдвигает против обвиняемого и прошение к суду оказать помощь. Этот документ также называется **INITIAL PLEADING**, первоначальное ходатайство или **PETITION**, петиция.

COMPLY - Действовать в связи с чем-либо, принимать, слушаться.

COMPOSITE DRAWING - Портрет предполагаемого преступника, нарисованный профессиональным художником полицейским со слов жертвы или очевидца.

CONCEALMENT - Соккрытие или утаивание чего-либо, что известно и что следует показать в деле.

CONCILIATION - Способ решения спора, когда спорящие лица приглашают третье нейтральное лицо, которое помогает ослабить напряженность, улучшить общение и рассмотреть возможные решения вопроса. То же что MEDIATION, но не такое формальное.

CONCURRENT JURISDICTION - Два или более суда, каждый из которых имеет полномочия иметь дело с одним и тем же предметом.

CONCURRENT PLANNING - Относится к законному требованию в делах по установлению опеки, чтобы служба по воссоединению была обеспечена одновременно с альтернативным планом, например, усыновление, установление опеки, если это требуется.

CONCURRENT SENTENCES - Сроки заключения которые отбываются одновременно, например, если даются два срока 10 и 5 лет, то отбывается срок 10 лет.

CONCURRENT CAUSES – Действие, причиняющее повреждение производимое одновременно и вместе с кем-либо, которое не имело бы результатов, если бы отсутствовал один из компонентов.

CONDEMNATION - Законное отчуждение государством личной земельной собственности для общественного пользования с выплатой владельцу разумной цены (См. EMINENT DOMAIN).

CONDITIONS - Определенные поступки, которые должно или не должно совершить лицо, чтобы его освободили.

CONDITIONAL RELEASE - Освобождение из –под ареста обвиняемого, если его поведение отвечает определенным установленным условиям (например, ему не разрешается общаться с определенными лицами). В случае, если его поведение не отвечает условиям его не освобождают.

CONDUCT ENHANCEMENTS – Заявление, усугубляющее наказание, такое, как по статье о вооруженном действии, Кодекс о наказании, раздел 12022, которое связано с природой совершенного преступления.

CONFESSION - Признание в совершении преступления в устной или письменной форме (сравни с ADMISSION).

CONFESSION OF JUDGMENT - Письменное заявление должника, позволяющее его кредитору предпринять действия против него без возбуждения судебного дела.

CONFIDENTIAL - Документация или досье, не предназначенные для общественного обозрения. Доступ к документам разрешается только законодательным актом или решением суда. Документы получают номер и специальную обработку.

CONFIDENTIAL RECORD - Информация в судебном деле, не предназначенная для общественности.

CONFIDENTIALITY - Для личного пользования, не для публикации.

CONFISCATE - Изъятие частной собственности для общественного пользования (Полиция отбирает оружие).

CONFLICT OF INTEREST - Когда кто-либо имеет две разные заинтересованности в одном деле. Например, адвокат, представляющий две противостоящие стороны в одно и то же время, не может быть честным по отношению к обоим.

CONFORM COPIES - Сделать копии, идентичные оригиналу. Например, копии с дубликатами подписи и даты.

CONFRONTATION RIGHT - Право обвиняемого встретиться со свидетелем, выступающим против него. Как правило, это право задавать вопросы и возражать и иметь свидетелей, которые лично дают показания.

CONSANGUINITY- COLLATERAL - Отношения между лицами, которые не являются прямыми родственниками, такими, как дядя и племянник.

CONSANGUINITY- LINEAL - Отношения между родственниками по прямой линии, например, между сыном, отцом, дедом и далее вверх по прямой наследственной линии или сыном, внуком и правнуком и далее по нисходящей наследственной линии.

CONSECUTIVE SENTENCES - Следующие один за другим приговоры лицу, осужденному за два или более преступления.

CONSERVATEE – Лицо, которое не может заботиться о себе и имеет представителя, назначенного судом, который заботится о нем. Представитель называется CONSERVATOR - опекун.

CONSERVATOR – Лицо, назначенное судом заботиться о ком-либо, кто не может делать это сам или заботиться о собственности этого лица или о нем и его собственности.

CONSERVATORSHIP - Процесс судебного разбирательства о назначении судьей попечителя или опекуна для того, чтобы он заботился о нуждах и финансах взрослого лица. Для несовершеннолетних лиц см. GUARDIANSHIP.

CONSENT - Письменное соглашение подчиниться решению или сделке.

CONSIDERATION – Какая-либо причина, цена, выгода или побуждение, которые заставляют лицо участвовать в контракте.

CONSOLIDATION OF ACTIONS - Когда два дела, в которые вовлечены одни и те же люди объединяются.

CONSORTIUM, LOSS OF - Невозможность сексуальных отношений между мужем и женой.

CONSPIRACY - Когда два или более лиц намереваются совершить преступление и предпринимают шаги для его совершения.

CONSTRUCTIVE POSSESSION - Когда лицо не является фактическим владельцем чего-либо, но имеет право контроля.

CONSTITUTION - Закон страны, который определяет создание, характер и организацию власти, и как эта власть осуществляется, правила, принципы власти правительства и основные права, которые имеют люди страны или штата.

CONSTITUTIONAL RIGHT – Права, гарантируемые Конституцией США и Федеральными судами, а также права, гарантируемые Конституцией штата.

CONTEMPTOR – Лицо, проявившее неуважение к суду.

CONTEMPORARY COMMUNITY STANDARD – То, что объективно и приемлемо в обществе в целом. Стандарт, основанный на объективном определении, что неприемлемо в обществе. Личные, социальные или моральные взгляды лиц, вовлеченных в дело, не принимаются во внимание.

CONTEMPT (OF COURT)- Невыполнение приказов суда.



CONTINUANCE - Перенос судебного дела на более поздний срок (CM. ADJOURNMENT).

CONTINUING EXCLUSIVE JURISDICTION - Теория, по которой только одно постановление суда, касающееся алиментов в деле между теми же самыми людьми, может иметь силу. Этот суд может изменить размер алиментов или добавить что-либо. Суд контролирует дело о содержании ребенка до тех пор, пока его не возьмет другой суд. Эти правила указаны в Uniform Interstate Family Support Act (UIFSA).

CONTRACT – (1) Соглашение между двумя или более лицами о том, чтобы делать или не делать что-либо; (2) соглашения между двумя или более лицами о том, чтобы установить, изменить или прекратить законные отношения.

CONTRIBUTORY NEGLIGENCE - Правовая доктрина о том, что если в гражданском деле о небрежности истец сам проявил небрежность, то он не может взыскать с обвиняемого за свою небрежность.

CONTROLLED SUBSTANCES - Любой медикамент, употребление которого ограничено законом. Лекарство или вещество, если не указано другого назначения, которые внесены в список Кодекса о здоровье и охране, разделы 11054 11055 11056 11057 или 11058.

CONVERSION - Несправедливый захват права владения товаром или личной собственностью, принадлежащими другому лицу.

CONVEY – (1) Дать право на собственность кому-либо еще; (2) сделать известным или известить.

CONVICT – (1) Лицо, виновное в преступлении и отбывающее срок наказания за это преступление, заключенный; (2) признать лицо виновным решением суда или признанием вины преступником.

CONVICTION - Признание подсудимого виновным судьей или жюри.

CORONER - Официальное должностное лицо, уполномоченное вести расследование причин и обстоятельств смерти, которая произошла путем насилия или внезапно по подозрительным причинам.

CORPORATION - Группа людей, которым дана определенная законная власть, права, привилегии и обязанности.

CORPUS DELECTI - Объективное доказательство совершенного преступления. Иногда это относится к трупу жертвы совершенного убийства или к останкам, найденным в подожженном доме, но этот термин имеет более широкое значение. Для того, чтобы представить признание вины или признать виновным

обвиняемого, необходимо доказать, что имелись особые повреждения или потери и криминальный акт являлся причиной этого.

**CORROBORATE** – Подтверждение, сделанное авторитетным источником с помощью улик или оснований; сделать более определенным.

**CORROBORATING EVIDENCE** - Дополнительное свидетельство, которое усиливает или подтверждает первоначальное доказательство.

**CORROBORATION** – Подтверждение показания свидетеля или другого доказательства дополнительными фактами.

**CORRUPTLY** – Нечестно.

**COSTS** – (1) Пошлина или расходы, которые несет сторона для того, чтобы зарегистрировать и представить в суд дело или привести в исполнение судебное решение; (2) деньги, выигранные в гражданском иске, чтобы оплатить расходы.

**COUNSEL** - Один или более адвокатов, представляющих клиента. Также, юридический совет.

**COUNSEL TABLE** – Место, где сидят стороны защиты и обвинения во время суда.

**COUNT** - Каждое заявление или обвинение в криминальном деле. (См. **CHARGE**).

**COUNTERCLAIM** - Встречное обвинение одной стороны, либо истца, либо обвиняемого, выдвинутое против заявления, сделанного другой стороной.

**COUNTERFEIT** –Подделка, копирование без разрешения или права на это с целью обмана и выдачи за подлинник.

**COUNTY JAIL** – Здание, в котором содержат предполагаемых преступников или осужденных преступников, которые совершили преступление в районе места преступления.

**COURT** - Судья или группа судей, обязанность которых слушать дела и выносить приговор.

**COURT APPOINTED SPECIAL ADVOCATES (CASA)** – Лица, представляющие на суде детей, с которыми жестоко обращались или которые находятся без надзора.

**COURT ATTENDANT** – Лица, оказывающие помощь в выборе комнат для суда, выполняющие обязанности, связанные с обеспечением безопасности в суде и кооперации между жюри, свидетелями, адвокатами, и публикой, и выполняющие канцелярскими работами.

COURT ADMINISTRATOR/CLERK OF COURT - Должностное лицо, назначенное судом для наблюдения за административной деятельностью в суде.

COURT APPOINTED COUNSEL – Адвокат, назначенный судом для того, чтобы защищать обвиняемого, который не может нанять адвоката.

COURT COSTS – Деньги, потраченные на обвинение или защиту, но не являющиеся гонораром адвоката. Деньги могут быть даны выигравшей стороне и могут быть взяты от проигравшей стороны в качестве возмещения убытков.

COURT OF RECORD – Суд, в котором процедура стенографируется и сохраняется как постоянная документация.

COURT ORDER – Решение, принятое судебным должностным лицом, дающее кому-либо определенные права или приказывающее кому-либо сделать что-либо.

COURT REPORTER – Лицо, делающее дословно запись того, что было сказано в суде, запись называется TRANSCRIPT.

COURT TRIAL - Суд без присутствия жюри, когда дело решается судьей.

COURT, APPEALS - В некоторых штатах это высший апелляционный суд, где по решению суда решаются дела.

COURT DISTRICT – (1) Федеральный суд с общей федеральной юрисдикцией (2) Суд штата. В каждом штате имеется своя юрисдикция.

COURT, JUVENILE – Суд, решающий дела, в которые вовлечены дети до определенного возраста обычно до 18 лет. Как правило, это судебные разбирательства детей с правонарушением, и детей оставленных без присмотра родителей.

COURT, NIGHT - Специальный суд, разбирающий дела поздно вечером или рано утром.

COURT, SUPERIOR - Суд первой инстанции. В других штатах значение слова может измениться.

COURT, TRAFFIC - Специальный суд, разбирающий преступления, связанные с автомобильными происшествиями.

COURTESY NOTICE – Уведомление, посылаемое нарушителю дорожного движения, которое извещает его когда нужно явиться в суд, внести залог, и т. п.

COURTROOM - Помещение в здании суда, где судья ведет разбирательства дел.

COURTROOM CLERK – Клерк, должностное лицо суда, которое присутствует на судебных процессах, подготавливает запись процесса в соответствии с законом, политикой и указаниями судьи. Он также берет клятвы со свидетелей и жюри, выставляет экспонаты улики и свидетельств.

CREDIBILITY - Правдоподобность свидетельств.

CREDIT - Взаимное соглашение между человеком, выплачивающим чек, и лицом или организацией, которая оплачивает чек в том что этот человек выплатит долг.

CRIME - Совершение или не совершение действия, что нарушает закон. Виновный может быть наказан смертной казнью, заключением в тюрьму, штрафом, увольнением с работы, запрещением работать в офисе, где требуется честность и доверие.

CRIMINAL – Лицо, совершающее преступление или судебно-наказуемый проступок; преступник.

CRIMINAL CASE- Судебное дело, начатое по поводу совершенного преступления.

CRIMINAL, CONDUCT - Преступное действие или вовлечение в преступление.

CRIMINAL INSANITY - Умственная неспособность совершить какое –либо действие или воздержаться от него, неспособность отличить, что правильно, а что нет.

CRIMINAL NEGLIGENCE – Разгневанные, безрассудные, возмутительные действия, которые не соотнобразуются с поведением достойного и осмотрительного человека, безразличие к человеческой жизни и последствиям этих действий.

CRIMINAL RECORD – (1) Регистрация ареста. Письменное досье, в котором перечисляются все случаи ареста какого - либо лица; (2) форма, заполняемая полицейским при аресте нарушителя.

CRIMINAL STREET GANG - Преступная организация, ассоциация или группа из трех или более людей, основной деятельностью которой является совершение преступных действий, и имеющая свое название, опознавательный знак или символ. Все члены организации индивидуально или коллективно участвуют в ее криминальной деятельности.

CRIMINAL SUMMONS – Постановление, приказывающее обвиняемому явиться в суд.

CROSS-CLAIM - Претензии, предъявленные истцом и ответчиком друг к другу.

**CROSS-EXAMINATION** - Когда адвокат, ведущий дело одной стороны, задает вопросы свидетелю другой стороны во время судебного процесса.

**CUMULATIVE SENTENCES**- Приговор за два и более преступлений, следующих одно за другим, а не одновременно. См. **CONCURRENT SENTENCES AND CONSECUTIVE SENTENCES**.

**CUSTODIAL PARENT** – Родитель, который является основным опекуном ребенка.

**CUSTODY** – (1) Когда кто-нибудь находится под контролем суда и должен явиться в суд в назначенное время; (2) Когда направляют лицо в тюрьму после того, как установлена его виновность в преступлении; (3) Забота и присмотр за детьми.

**CUSTODY ORDER** - Постановление суда о том, с кем должен проживать ребенок и кто должен решать проблемы здоровья, образования и другие важные вопросы.

**CUSTOM** - Пользование чем-либо или деятельность людей, что по общему соглашению стало обязанностью и привычкой.

**DAMAGES** – Деньги, которые проигравшая сторона должна заплатить выигравшей стороне, чтобы возместить потери и ущерб. Существуют два вида оплаты; (1) возмещающая - это деньги за оплату действительной стоимости потерь и повреждений; (2) наказывающая - оплата в качестве наказания за преднамеренные и злостные повреждения. Эта оплата обычно выше возмещающей.

**DEADLY WEAPON** – Оружие, инструмент или предмет, которыми можно причинить смерть или смертельные повреждения.

**DEATH PENALTY** - Смертная казнь, как наказание за серьезные преступления (См. **CAPITAL PUNISHMENT**).

**DEATH ROW** - Помещение в тюрьме штата или в Федеральной тюрьме, где содержат преступников, имеющих смертный приговор, до приведение приговора в исполнение.

**DECEDENT** - В уголовном деле это означает “жертва убийства”; в суде по наследственным делам это означает “умершее лицо”.

**DECISION** - Приговор или постановление суда. (См. **DECREE, JUDGMENT**).

**DECLARATION** – Заявление, поданное кем-либо в суд, объясняющее судье почему он должен выиграть дело. Иногда подающий заявление ставит подпись под страхом наказания за обман.

**DECLARATION OF PATERNITY** – Форма, подписанная родителями, не состоящими в браке. Обычно это бывает в больнице, когда родители заявляют кто отец ребенка.

**DECLARATORY JUDGMENT** - Решение суда, которое объясняет существующий закон или выражает мнение о применении закона.

**DECREE** - Решение суда, которое может быть (1) interlocutory, что означает окончательное решение и (2) final, означающее, что все вопросы дела решены.

**DE FACTO PARENT** – Лицо, назначенное судом которое берет на себя ежедневные обязанности родителя, заботящегося о физических и психологических потребностях ребенка, который нуждается в заботе и любви в течение длительного периода времени.

**DE FACTO** - Применять власть в судебном деле о несамостоятельности несовершеннолетних. Значение латинского слова “фактически”.

**DEFAMATION** - Когда какое-либо лицо причиняет ущерб личности славе или репутации другого лица, делая неправдоподобные и злостные заявления.

**DEFAULT** - Когда ответчик в гражданском деле не явился в суд в назначенное время и не ответил на обвинение.

**DEFAULT JUDGMENT** – Решение суда в пользу истца в случаях, когда ответчик не ответил на обвинение.

**DEFENDANT** - В гражданском деле лицо или группа лиц, на которых подан иск – ответчик. В криминальном деле или деле о дорожных происшествиях -это лицо, обвиняемое в преступлении – обвиняемый.

**DEFENSE** - Факты и аргументы, представленные ответчиком в гражданском деле, чтобы показать почему истец не имеет право на то, что он просит. В криминальном деле -- причины, по которым обвиняемый не должен быть осужден за обвинения.

**DEFENSE ATTORNEY** - В криминальном деле адвокат, представляющий обвиняемого.

**DEFRAUD** - Неверно представить факты существующего материала, зная, что он ошибочный, или не обратить внимания на то, верный он или ложный. Обманывать, вводить в заблуждение. Отнять чью-либо собственность, имение или право путем обмана, хитрости и махинаций.

**DEGREE** – Предел, границы или масштаб обвинения.

**DELIBERATE** - Рассмотреть все свидетельские, показания и аргументы, относящиеся к делу, представленному в суде.

**DELIBERATION** - Когда жюри в гражданском или криминальном деле удаляется в свою комнату для обсуждения свидетельских показаний и выноса вердикта.

**DELINQUENCY COURT** - Подразделение суда несовершеннолетних, слушающее дела несовершеннолетних, обвиняемых в совершении преступления.

**DELINQUENCY, JUVENILE** - Антиобщественное поведение несовершеннолетних, поступки, которые были бы наказаны как преступление, если бы были совершены взрослыми, но заменяются наказанием, установленным законом для несовершеннолетних.

**DEMURRER** - Когда ответчик говорит, что факты представленные истцом могут быть верными, но не достаточны для того, чтобы доказать вину ответчика.

**DENNIS H.** - Слушание в целях определения, достаточно ли представлено доказательств для открытия дела в суде для несовершеннолетних.

**DE NOVO** - Начать судебное дело заново как будто судебного разбирательства не было раньше. Латинское "NOVO" означает новый (См. TRIAL DE NOVO).

**DEPENDENCY COURT** - Подразделение суда для несовершеннолетних, в котором слушаются дела детей, с которыми жестоко обращались и о которых не заботились.

**DEPENDENT CHILD** - В соответствии с законом о семье -это ребенок, которому финансовую поддержку обеспечивает какое – либо лицо. В соответствии с законом о несовершеннолетних, это означает несовершеннолетний ребенок, находящийся под опекой суда вследствие плохого обращения с ним, отсутствия заботы, растления или если ребенок был опасен для общества из-за умственного или физического расстройства.

**DEPORTATION** - Депортирование лица в другую страну. Постановление, изданное судьей по иммиграции о выдворении нелегального жителя из США. Депортация имеет определенное последствие, такое, как в течение нескольких лет он не имеет право иммигрировать. Возвращение в течение указанного периода времени подлежит наказанию.

**DEPOSITION** - Письменное или устное показание, данное под присягой в присутствии третьего уполномоченного лица, такого как судебный репортер. Дача показаний происходит вне здания суда. Обеим сторонам разрешается получить запись показаний или получить запись показаний свидетеля, живущего далеко от суда. Эти показания могут помочь адвокатам подготовить судебные документы называемые "PLEADINGS" - ходатайство (См. DISCOVERY).

DEPRIVATION OF CUSTODY - Суд передает опеку над лицом от родителей или опекуна другому опекуну, агентству или учреждению временно или постоянно.

DEPUTY – Лицо, назначенное заместителем другого лица с правом действовать за него или от его имени. Например, заместитель клерка назначен работать вместо и от имени клерка.

DEPUTY DISTRICT ATTORNEY – Адвокат, помощник окружного прокурора.

DESCENT AND DISTRIBUTION STATUTES - Закон штата, по которому распределяется имущество лица, умершего без завещания. То же что INTESTACY LAWS.

DESTRUCTIVE DEVICE/ EXPLOSIVE - Любое взрывающееся или быстро сгорающее вещество, которое может быстро испустить газ или теплоту.

DETENTION - Содержание под стражей лица до тех пор, пока суд не вынесет решения.

DETENTION HEARING - Первоначальное слушание дела в суде по делам о несовершеннолетних после того, как ребенок был взят от родителей.

DETERMINATE (SENTENCE) - Тюремное заключение в течение определенного периода времени в соответствии с законом.

DEVELOPMENTALLY DISABLED - Лица психически здоровые, которые стали инвалидами с рождения или до достижения зрелости и которые не могут обслуживать себя и управлять своими делами самостоятельно и требуют надзора, контроля и заботы об их состоянии. Обычно их называют умственно отсталыми.

DEVISE - Подарок недвижимой собственности по завещанию.

DEVISEE – Лицо, получившее недвижимую собственность по завещанию.

DIRECT EVIDENCE - Подтверждение фактов свидетелем, который видел как происходило действие и слышал что было сказано.

DIRECT EXAMINATION - Дача показаний свидетелем и ответы на вопросы заданные стороной, которая просила его дать показания (Сравни с CROSS-EXAMINATION).

DIRECTED VERDICT – Инструкции, которые дает судья членам жюри, чтобы они вынесли определенный вердикт. Имеет название - JUDGMENT AS A MATTER OF LAW, приговор суда по закону.



**DISBARMENT** - Действия или поведение адвоката, которые приводят к потере права работать адвокатом. Это отличается от официального выговора или осуждения и от временной потери права работать адвокатом.

**DISCLAIM** - Отказаться от подарка, сделанного по завещанию.

**DISCLAIMER** - Отказ от права или власти, данных лицу или которые принадлежали ему по его утверждению прежде. Отказ или отрицание заинтересованности, права или собственности, принадлежащей лицу.

**DISCOVERY** - Сбор информации, фактов, документов или показаний прежде, чем дело поступает в суд. Это можно сделать многими путями как например собрать письменные показания, провести опрос, обратиться с просьбой допуска к чему-либо. Это также можно сделать путем независимого расследования или переговоров с адвокатом другой стороны.

**DISCOVERY MOTION** - Прошение к суду одной из сторон предоставить определенную информацию.

**DISCRIMINATION** – Действие, дающее особые привилегии группе лиц.

**DISMISS** - Прекратить судебное дело из-за спорных и невыясненных обвинений, выдвинутых против обвиняемого в криминальном деле.

**DISMISSAL WITH PREJUDICE** - Прекращение судебного дела без разрешения подавать в суд по тому же делу в дальнейшем.

**DISMISSAL WITHOUT PERJUDICE** - Прекращение судебного дела с разрешением подать в суд по тому же делу в дальнейшем.

**DISORDERLY CONDUCT** – Поведение, противоречащее закону, которое нарушает общественный порядок или приличия, позорит общество или шокирует общественную мораль.

**DISPARITY** - Явная разница в количестве и качестве вещей или фактов.

**DISPOSITION** - Окончательное решение, вынесенное судом в спорном вопросе.

**DISPOSITIONAL HEARING** - Слушание дела после того, как заявление в суд подтвердилось, о том будет ли ребенок который совершил преступление находиться в распоряжении суда, где он будет жить и какое обеспечение дадут ему родители при воссоединении.

**DISSENT** - Не согласиться; судья или судьи, которые несогласны с решением большинства.

**DISSOLUTION** - Прекращение супружества решением суда, развод (Сравни с NULLITY).

**DISSOLUTION OF MARRIAGE** - Прекращение супружества, развод. Термин не означает аннулирование.

**DISTINCTIVELY MARKED** - Имеющий отличительные знаки. Полицейская машина имеет дополнительные фары и сирену для того, чтобы она была опознана людьми, как полицейская машина, и при погоне люди знали, что преследуются полицией.

**DISTRICT ATTORNEY** – Адвокат, назначенный или выбранный, который представляет государство в криминальном деле в том районе, где проживает обвиняемый. Окружной прокурор (См. PROSECUTOR).

**DISTURBING THE PEACE** - Нарушение покоя. Поведение, нарушающее покой жителей, ненужные и тревожащие шумы.

**DIVERSION** - Вместо заключения в тюрьму обвиняемый идет на реабилитационную программу ("REHAB") под надзор сотрудника отдела "probation". Когда срок этой программы заканчивается, обвинения и приговор снимаются с обвиняемого (Сравни с ELECTRONIC MONITORING, HOME MONITORING).

**DIVORCE** - Законное расторжение брака (См. DISSOLUTION).

**DOCKET** - Запись каждого судебного дела, включающая краткие отчеты о судебных действиях.

**DOCKET NUMBER** – Номер, который дается каждому судебному делу. Этот номер ставится на всех документах, находящихся в деле. Также имеет название **CASE NUMBER** - номер дела.

**DOE** - Используется в суде, судебных документах для того, чтобы сослаться на лицо, имя которого не известно.

**DOMESTIC VIOLENCE** - Словесные и физические оскорбления или угрозы, сказанные членами семьи друг другу.

**DOMICILE** - Дом или место постоянного проживания. Лицо может иметь несколько резиденций, но только один дом.

**DOUBLE JEOPARDY** - Запрещение Конституцией, указанное в пятой Поправке, судить обвиняемого дважды за одно и то же преступление.

**DRIVE-BY MURDER** – Убийство, совершенное намеренно лицом, находящимся в машине, выстрелившим из оружия в другое лицо находящееся вне машины. Когда преступник намеренно совершает убийство то это считается убийством первой степени.

**DRIVING WHILE INTOXICATED (DWI)** - Незаконное вождение машины в состоянии интоксикации алкоголем или наркотиком. В некоторых судопроизводствах **DRIVING UNDER THE INFLUENCE (DUI)** - это синоним Вождение под влиянием алкоголя или наркотиков. В других юрисдикциях вождение в состоянии интоксикации (DWI) является более серьезным преступлением, чем вождение под влиянием алкоголя (DUI).

**DRUNK DRIVING** - Вождение машины в нетрезвом состоянии, когда содержание алкоголя в крови превышает допустимый уровень.

**DUE PROCESS OF LAW** - Исполнение закона через суд. Конституция дает каждому лицу право на суд, право иметь адвоката, право получить помощь от быстрого и справедливого судопроизводства.

**DURESS** - Противозаконное содержание под стражей какого-либо лица, угроза побоев в целях подчинения его своей воле и принуждение совершить действие против его воли.

**EASEMENTS** - Право пользоваться собственностью другого лица.

**ELEAZER MOTION** - Прощение к суду о том, чтобы прокурор сообщил где находится осведомитель или что было сделано, чтобы установить его местонахождение.

**ELECTRONIC MONITORING** - Использование электронного устройства для прослеживания местонахождения осужденного и контроля его действий вместо содержания его в тюрьме (См. HOME MONITORING).

**ELECTRONIC TECHNOLOGY** - Электронная техника, включающая компьютерные устройства, магнитную среду, оптический диск, факс и телефон.

**ELEMENTS OF CRIME** - Специфические факторы, которые прокурор должен доказать вне всяких сомнений для того, чтобы подсудимый был признан виновным. Элементы доказательства должны быть следующими (1) преступление действительно должно произойти; (2) обвиняемый намеревался совершить преступление; (3) связь во времени между первым и вторым факторами.

**EMANCIPATION** - Право ребенка стать взрослым лицом до возраста 18 лет. Как только ребенок эмансипирован, родители не имеют право на опеку и контроль за ним.

**EMBEZZLE** - Своевольно взять или обратить в свое пользование деньги или собственность другого лица человеком, которому эта собственность была вверена в результате службы или доверена по другой причине.

**EMBEZZLEMENT** - Присвоение собственности лицом, которому она была вверена.

**EMINENT DOMAIN** - Право государства отобрать частную собственность, выплатив владельцу разумную компенсацию.

**EN BANC** - Заседание суда с участием всех судей. Например, в апелляционном суде США обычно участвуют 3 судьи, но для решения определенных дел в суде могут участвовать все судьи. Эти заседания называются "sitting en banc". Этот термин происходит от французского слова означающего "on the bench", судебное присутствие.

**ENDORSE** -Поставить свою подпись на документе, чтобы подтвердить законность его содержания или индосировать чек для передачи денег.

**ENDORSED-FILED COPIES** - Копии судебных документов, имеющие штамп в верхнем правом углу, где указывается дата когда они были подшиты к делу (Сравни с CERTIFIED COPY).

**ENDORSEMENT, FORGERY BY** - Фальшивая подпись или индосирование чека в целях обмана какого-либо лица.

**ENHANCE** - Повысить ценность, увеличить.

**ENHANCEMENT** - Дополнительные обвинения к основному обвинению, которые, если достоверны, усугубляют основное обвинение. Например, к основному обвинению в преступлении может быть добавлено использование оружия.

**ENJOINING** - Постановление суда, чтобы лицо прекратило совершать что-либо.

**ENTER A GUILTY PLEA** - Формальное заявление обвиняемого, что он совершил преступление.

**ENTRAPMENT** - Выступление защиты против криминальных обвинений, которая заявляет, что правительственные агенты заставили обвиняемого совершить преступление. В противном случае преступление не было бы совершено.

**ENTRY OF DEFAULT** – Запись, сделанная клерком о том, что ответчик нарушил правила не дав ответа или сделав это не вовремя. Истец должен запросить эту запись.

EQUAL PROTECTION - Гарантия в том, что все люди равны перед законом, записанная в Пятнадцатой поправке Конституции.

EQUITABLE ACTION - Действие с целью слержать нанесение повреждений или предотвратить угрожающие противозаконные действия.

EQUITY - Система законов, основанная на принципах честности и справедливости.

ERROR CORAM NOBIS – Петиция, поданная в суд, о снятии виновности с обвиняемого на основании новых фактов.

ESCAPE BY FORCE OR VIOLENCE - Побег из-под ареста с применением силы.

ESCHEAT - Передача собственности умершего лица, если нет завещания и наследников.

ESCROW - Деньги или письменный документ, которые по соглашению двух сторон находятся у третьего нейтрального лица до тех пор, пока не выполняются условия соглашения.

ESTATE - Вся собственность и все долги живого или мертвого человека. Существуют различные виды состояний, такие как утвержденные и не утвержденные завещанием, вверенные попечению и подлежащие обложению налогом. Утвержденное завещанием состояние - собственность, завещенная кому-либо или если нет завещания, ей распоряжается суд. Неутвержденное завещанием состояние - собственность которой суд не распоряжается. Например, собственность под опекой, или траст, или владение на правах аренды. Состояние под опекой - собственность в трасте. Опекун контролирует траст. Облагаемое налогом состояние - собственность, облагаемая федеральным налогом, когда владелец умирает. Например, страховка жизни.

ESTATE TAX – Налоги, которыми облагается собственность при переходе к другим лицам после смерти владельца. В дополнение к федеральным налогам многие штаты взимают налоги штата.

ESTOPPEL - Действие или заявление, которое не разрешает лицу в дальнейшем делать заявления противоположного смысла.

ET AL - Латинское слово означает “и другие”. Относится к сторонам, которые формально не включены в судебное дело

ET SEQ - Сокращение латинского слова “et sequentia” или “et sequentes” означающее “и последующие”. Обычно используется, когда речь идет о законодательных актах.

ET UX - На латинском это означает 'и жена'.

EVICTIION - Передача земельной собственности или земли, сдаваемой в аренду, от одного лица другому законным путем. См. UNLAWFUL DETAINER.

EVIDENCE - Любое доказательство, представленное в суд, в качестве свидетеля, письменного заявления или вещественного доказательства.

EVIDENCE, CIRCUMSTANTIAL - Вывод, сделанный по фактам доказательства.

EVIDENCE, DIRECT - Доказательство, представленное свидетелем, который видел, слышал, или дотрагивался до предмета, который обсуждается.

EVIDENCE, EVANESCENT - Доказательство, которое может быстро исчезнуть, такое как содержание алкоголя в крови.

EXAMINATION, DIRECT - Первый опрос свидетеля адвокатом, который вызвал его для дачи показаний в суд.

EXAMINATION, RECROSS - Второй опрос свидетеля адвокатом противной стороны после второго или повторного опроса адвокатом, вызвавшим свидетеля для дачи показаний.

EXAMINATION, REDIRECT - Второй опрос свидетеля адвокатом, вызвавшим его для дачи показаний. Опрос обычно касается определенных фактов, которые обсуждались при опросе адвокатом противной стороны.

EXCEPTIONS - Заявления, сделанные любой из сторон в гражданском или криминальном деле при сохранении права апеллировать к судье по поводу хода суда. Также несогласие, высказанное любой из сторон с пунктами противной стороны или с решениями агентства или одного из слушающих дело должностных лиц.

EXCESSIVE FORCE - Чрезмерное применение силы полицейским.

EXCLUSION OF WITNESSES - Правила поведения в суде, требующие, чтобы все свидетели, за исключением истца и ответчика, находились вне помещения, где происходит суд, до тех пор, пока их не вызовут давать показания. Свидетели не должны обсуждать свои показания друг с другом. Если они нарушат установленный порядок, их могут обвинить в неуважении к суду.

EXCLUSIONARY RULE - Правило, по которому запрещается представлять в суд доказательства, полученные нелегальным путем.

EXCLUSIVE JURISDICTION - Дело, которое может быть представлено только в один суд.

EX CONTRACTU - Возникает из контракта.

EXCULPATORY EVIDENCE - Доказательство в защиту обвиняемого, показывающее, что он не совершал преступления.

EXECUTE – (1) Выполнить все условия контракта или решений суда; (2) подписать документ ; (3) убить.

EXECUTION - Приказ суда, отданный шерифу, судебному исполнителю или полицейскому, дающий им полномочия и требуя выполнить постановления суда.

EXECUTION OF SENTENCE SUSPENDED - Вынесение приговора, который заменяется условным освобождением на испытательный срок. Если обвиняемый совершит проступок в течение этого времени, то приговор приводится в исполнение.

EXECUTOR - Лицо или группа лиц, указанные в завещании для того, чтобы выполнить все распоряжения и просьбы. Действия исполнителя завещания контролируются судом.

EX DELICTO - Результат неправильных действий и нарушения долга. См. TORT.

EXEMPLARY DAMAGES - Деньги, выплаченные истцу, сумма которых превышает норму или ожидаемую сумму, что является наказанием за преднамеренные и злостные действия ответчика.

EXEMPLIFICATION - Исклчительно официальное заверение документа , когда судебный клерк подписывает документ или протокол, затем председательствующий судья ставит свою подпись, заверяя подлинность подписи клерка и клерк подписывается еще раз, заверяя подлинность подписи судьи.

EXHIBIT - Документ или предмет, представленные на суде в качестве доказательства.

EXHIBIT, PEOPLE'S - Вещественные доказательства, представленные на суде обвинением.

EXONERATE - Освободить от вины или ответственности.

EX PARTE - Судебное разбирательство в присутствии только одной стороны, что допускается в крайне особых случаях.

EX PARTE PROCEEDING - Судебный процесс, в котором представлена только одна сторона.

**EXPERT TESTIMONY** – Показания, даваемые по научным, техническим или профессиональным вопросам экспертами, т.е. , лицами, которым дано право авторитетно высказывать свое мнение, поскольку они имеют специальную подготовку, опыт и знакомство с данным предметом.

**EXPLOSIVE/DESTRUCTIVE DEVICE** - Любое вещество или комбинация веществ, основное назначение которых производить взрыв или быстрое сгорание и которые могут мгновенно испускать газ или жар или любое вещество, которое в соединении с другими компонентами могут производить мгновенный выпуск газа.

**EX POST FACTO** - Значение латинского слова 'после факта '. Конституция запрещает применять законы , которые были изданы после свершения факта. Это – законы, которые разрешают осуждение и наказание за преступную деятельность совершенную до того, как закон был изменен и сделал эту деятельность противозаконной.

**EXPUNGEMENT** - Официальное и выполненное по установленной форме уничтожение записи или ее части.

**EXTENUATING CIRCUMSTANCES** - Обстоятельства , которые смягчают тяжесть и жестокость преступления и его достойность порицанию.

**EXTORTION** - Приобретение собственности другого лица путем применения силы, угрозы и запугивания.

**EXTRADITION** - Передача лица, находящегося под стражей, из одного штата в другой . где это лицо совершило преступление или обвиняется в совершении преступления.

**EXTRAORDINARY WRIT** - Судебные решения, принятые апелляционным судом , который может предоставить средства защиты, часто не имеющиеся в нижестоящем суде такие, как законы о нерпикосновении личности, судебные приказы нижестоящему суду , запрещения и QUO WARRANTO.

**EYE WITNESS** - Свидетель, который видел событие действие или деловые операции , о которых он дает показания.

**FACTUAL BIAS** - Факты , на которых основана вина обвиняемого или признание вины или заявлении что он не протестует вину (plea of nolo contendere).

**FACTUALLY INNOCENT** - Отсутствие обоснованной причины, чтобы считать, что арестованное лицо совершило преступление.

**FAILURE TO APPEAR** - Невяка в суд несмотря на то, что была получена повестка явиться в суд в назначенное время.



**FAILURE TO COMPLY** - Невыполнение приказа суда.

**FAIR HEARING** - Слушание судебного дела, в котором соблюдаются такие права, как право представить доказательство, перекрестный опрос, представить сведения, подтвержденные свидетелями.

**FAIR MARKET VALUE** - Рыночная цена собственности во время ее продажи.

**FALSE ARREST** - Любое незаконное лишение свободы кого-либо не зависимо от того, совершает это полицейский или частное лицо.

**FALSE IMPRISONMENT** - Незаконное содержание в заключении какого-либо лица другим лицом.

**FALSE PRETENSES** - Предоставление ложного факта или обстоятельства лицу с целью ввести его в заблуждение, чтобы получить его деньги.

**FALSE TOKEN** - Любой вещественный предмет или документ, не являющийся подлинным и не тот, что он есть на самом деле или, как кто-то утверждает, и который намереваются использовать или используют в целях обмана лица, которому его представляют.

**FAMILY ALLOWANCE** - Небольшая сумма денег взятая от состояния умершего, чтобы обеспечить членов его семьи во время рассматривания дела о наследстве.

**FEDERAL EMPLOYER'S LIABILITY ACT** - Федеральный закон о компенсации, который защищает работников железной дороги.

**FEES** - Сумма денег, которая выплачивается в обмен за услуги, такие, как занесение в папку деловых бумаг суда.

**FEE SIMPLE** - Наиболее полная и неограниченная форма владения недвижимой собственностью, которое продолжается до смерти владельца, не имеющего наследника.

**FEE WAIVER** - Разрешение не платить расходы по подаче заявления в суд. Люди с очень небольшим доходом могут попросить клерка дать им форму "FEE WAIVER".

**FELONY** - Серьезное преступление, наказуемое тюремным заключением на срок от одного года и более или смертным приговором. Сравни с **INFRACTION**, **MISDEMEANOR**.

**FELONY MURDER** - Убийство, совершенное во время ограбления, воровства, или похищения.

**FIDUCIARY** - Лицо, действующее для пользы другого лица; доверительное лицо или опекун. Это также означает что-то, что основано на вере или уверенности.  
См **TRUSTEE**.

**FIELD SOBRIETY TEST** - Определение степени опьянения лица, ведущего машину по его речи и координации движений.

**FIFTH AMENDMENT** - Пятая Поправка в Конституции США, которая гарантирует право лицу не давать обличающие себя показания на суде в криминальном деле.

**FILE** - Подача документов в суд, которые являются частью документации судебного дела.

**FIND GUILTY** - Установление виновности подсудимого и вынесение решения судьей или жюри.

**FINDING** - Когда заявление, сделанное жюри или судебным должностным лицом, является действительным фактом.

**FINDINGS OF FACT** - Устное или письменное заявление судьи о том, что факты, предъявленные свидетельскими показаниями, являются верными.

**FINE** - Деньги, которые лицо должно уплатить как наказание за его противозаконные действия или за невыполнение того, что оно обязано было сделать.

**FINGERPRINT** - Отпечатки линий на пальцах, которые используются для установления личности преступника.

**FIREARM** - Оружие, действующее под воздействием силы пороха, такое как ружье, револьвер или автомат.

**FIRST APPEARANCE** - Первое появление арестованного перед судьей для выяснения основания для его ареста. Обычно арестованный должен предстать перед судьей в течение нескольких часов после ареста, и ему предъявляются обвинения и сообщаются его права на предварительное слушание, адвоката и освобождение под залог. От арестованного не требуется признание или отказ от вины. Также называется **INITIAL APPEARANCE**.

**FITNESS HEARING** - Слушание о вынесении решения следует ли судить несовершеннолетнего как взрослого.

**FORCIBLE AND ATROCIOUS CRIME** - Любое уголовное преступление, которое по своей природе и способу совершения угрожает жизни, получению тяжелых телесных повреждений или вселяет страх смерти и получению тяжелых увечий.

Насильственным и жестоким преступлением считаются - убийство, нанесение увечья, изнасилование и ограбление.

FORCIBLE ENTRY AND DETAINER - Судебное разбирательство по вопросу восстановления прав на владение земельной собственностью лица, которое было несправедливо лишено этого права.

FORECLOSURE - Продажа заложенной собственности в случае невыполнения обязательств по уплате должника в целях погашения задолженности.

FORFEIT - Потерять право на что-либо. В судебных делах о дорожных происшествиях это означает – признать себя виновным и заплатить залог, чтобы закрыть дело.

FORFEITURE - Когда лицо должно лишиться денег или собственности, потому что не выполнило своих обязательств. См. BAIL FORFEITURE.

FORGERY – Фальшивое утверждение лица, что его запись написана другим лицом.

FORMAL PROBATION - Установление судом испытательного срока и условий для обвиняемого вместо заключения. Обычный испытательный срок сопровождается надзором должностного лица. Короткий испытательный срок не включает надзора; подсудимый отвечает за свои действия непосредственно перед судом.

FORUM NON CONVENIENS - Право суда отказаться решать судебное дело даже в случае когда суд имеет право вести дело, для удобства судящихся сторон и перенос дела в другой суд находящийся в удобном для них место.

FORSTER CARE - Программа, по которой лицо, семья, или учреждение, воспитывающее чужих детей, получает от государства деньги.

FOUNDATION - В судебном деле определенные доказательства требуют обоснования для их приемлемости. Например, квалификация экспертного свидетеля (foundation) должна быть определена до того, как он будет допущен к даче показаний.

FOURTEENTH AMENDMENT - Четырнадцатая Поправка Конституции США запрещает лишать человека жизни, свободы или его собственности без надлежащего суда.

FRAUD - Обман какого-либо лица с целью причинения ему материального ущерба.

GAG ORDER - Постановление, запрещающее сторонам и адвокату в криминальном деле давать сведения о судебном деле прессе или публике.

**GAMBLING** - Ставить на карту, рисковать, деньгами или другими ценностями, когда результат не известен.

**GARNISH** - Удержать деньги с должника и отдать их другому лицу в уплату долга. Обычно лицо, удерживающее деньги должника, является его работодателем.

**GARNISHMENT** - Отдача на законном основании части заработной платы или собственности лица для уплаты его долга.

**GENERAL ASSIGNMENT** - Добровольная передача должником всей своей собственности доверительному лицу в пользу его кредитора.

**GENERAL JURISDICTION** – Право судов без ограничения слушать все виды криминальных и гражданских дел.

**GLUE SNIFFING** - Вдыхание клея, чтобы привести себя в состояние опьянения.

**GOOD CAUSE** - Основательная причина. Например, чтобы не явиться в суд лицо должно иметь основательную причину, более серьезную, чем отсутствие машины или няни для ребенка.

**GOOD FAITH** - Вера в честность, отсутствие злого умысла и намерения совершить преступление.

**GOOD SAMARITAN RULE** - Лицо, помогающее другому лицу, которому грозит опасность, но если спасающий проявил неосторожность, то обвинения в этом ему не предъявляются.

**GOOD TIME** – Снижение срока заключения за хорошее поведение. Обычно это 1/3 или ½ срока.

**GRAND JURY** – Группа от 16 до 23 граждан, которые слушают доказательства обвинения в криминальном деле и решают являются ли факты достаточно достоверными, чтобы поверить, что подсудимый совершил преступление и предъявить ему обвинение.

**GRAND THEFT** – Взятие личной собственности другого лица, ценность которой превышает предел, установленный законом, в целях лишения владельца его собственности.

**GRANTOR OR SETTLOR** - Лицо, устанавливающее траст.

**GREAT BODILY INJURY** - Телесные повреждения, которые могут привести к смерти; серьезные изуродования, или потеря функционирования частей тела.

GROSS NEGLIGENCE - Безрассудная и возмутительная неосторожность или небрежность, являющаяся отклонением от поведения обычного благоразумного лица в данных условиях, и которая противоречит правильному отношению к человеческой жизни и показывает безразличие к последствиям этой небрежности

GROUNDS – Основание, на которое можно положиться.

GUARDIAN - Опекун или лицо, назначенное по завещанию или по закону взять на себя ответственность за некомпетентных взрослых или несовершеннолетних лиц. Если один из родителей умирает, то ответственным за детей становится другой родитель. В случае смерти обоих родителей им может стать близкий родственник. Если в судебных делах об опеке несовершеннолетних назначается опекун, то опека государства прекращается.

GUARDIAN AD LITEM - Взрослое лицо, назначенное судом, представлять несовершеннолетнего или некомпетентное лицо. См. AD LITEM.

GUARDIANSHIP - Судебное разбирательство, когда судья назначает какое-либо лицо опекуном несовершеннолетнего или для управления его собственностью или опекуном и управляющим его собственностью. Сравни с CONSERVATORSHIP.

GUILTY - Решение суда о виновности подсудимого в преступлении.

GUILTY PLEA - Признание обвиняемого в совершении преступления.

HABEAS CORPUS - Приглашение лица в суд до того, как суд или судья примут решение лишить это лицо свободы. Этот термин происходит от латинского слова.

HANDCUFFS - Наручники, которые надевают на руки заключенного.

HARASSMENT - Слова, действия или жесты, которые раздражают, пугают или словесно оскорбляют другое лицо.

HARMLESS ERROR - Ошибка, совершенная в процессе судебного разбирательства, которая была исправлена или была не достаточно серьезной, чтобы повлиять на решение суда и которая не нанесла достаточного ущерба для подачи апелляционной жалобы.

HARVEY WAIVER - Факты, связанные с обвинением, которое было снято как часть договоренности о признании подсудимым вины. Эти факты относятся к обвинению, которое было снято но они могут приниматься во внимание в решении какое наказание подсудимый понесет.

HEARING - Судебное разбирательство в присутствии обеих сторон и судьи, но без жюри.

HEARING, CONTESTED - Судебное слушание в целях решения вопросов и поступков, о которых спорят стороны.

HEARING DE NOVO - Полное, новое слушание.

HEARING, PRELIMINARY - Слушание дела магистратом, мировым судьей или судьей для вынесения решения достаточно ли фактов обвинения, чтобы держать обвиняемого под стражей или отпустить его под залог.

HEARSAY - Показание свидетеля, который лично не был свидетелем того, что произошло, но слышал об этом от другого лица. Показания с чужих слов обычно не считаются свидетельством в суде.

HEIR - Лицо, имеющее право на наследование денег или собственности умершего лица, не оставившего завещание.

HIT AND RUN - Преступление, когда водитель машины уезжает с места аварии не сообщив своего имени.

HITCH MOTION - Прошение о том, чтобы не принимать свидетельства в качестве доказательства.

HOLDING CELL - Помещение в здании суда, где временно содержится подсудимый до и после того, как он предстанет перед судом.

HOLOGRAPHIC WILL - Завещание, написанное от руки. Суду необходимо видеть доказательство почерка лица, написавшего завещание. Завещание, написанное от руки, нет необходимости засвидетельствовать кем-либо или нотариально заверить.

HOME MONITORING - Вместо содержания в тюрьме лицо может содержаться под домашним арестом в своем доме и контролироваться электронными приборами.

HOME SUPERVISION - Временное содержание несовершеннолетнего под домашним арестом до принятия судом окончательного решения. Домашний арест может быть наказанием, вынесенным решением суда.

HOMICIDE - Противозаконное убийство одного лица другим.

HOSTILE WITNESS - Свидетель, чье показание не в пользу стороны, вызвавшей его давать показания. Этой стороне разрешается задавать наводящие вопросы и подвергать его перекрестному опросу.

HUNG JURY - Жюри, члены которого не могут прийти к соглашению о принятии вердикта.

**HYPOTHETICAL QUESTION** - Предполагаемая ситуация по фактам, принятым ранее как свидетельство, на основании которых свидетель-эксперт может высказать свое мнение об обстоятельствах, являющихся результатом этой ситуации.

**IDIOCY** - Полное отсутствие разума как результат врожденного дефекта, а не болезни.

**IGNORANCE OF FACT** - Отсутствие знаний о каком-либо факте или событиях, которые относятся к разбираемому вопросу. Иногда это может быть использовано как защита или основание для освобождения.

**ILLEGAL** - Противозаконно или не одобрено законом.

**IMMINENT PERIL** - Явная, неминуемая или грозящая опасность.

**IMMUNITY** - Право быть освобожденным от обязанности или наказания. См . **PRIVILEGE**.

**IMPANEL** - Назначение состава жюри. После того, как опрос потенциальных членов жюри окончен, составляется список членов жюри, которые дают клятву, после чего суд готов к разбору судебного дела.

**IMPEACHMENT OF WITNESS** - Поднять вопрос о том, можно ли доверять свидетелю.

**IMPLIED** - Когда намерение не выражено точными словами, а имеет скрытый смысл.

**IMPLIED CONTRACT** - Контракт, в котором обещание, данное одной стороной, не высказано, но подразумевается в соответствии с поведением этой стороны или в соответствии с законом.

**IMPOUND** - Взять предмет или животное и держать его под охраной.

**IMPRISONMENT** - Заключение в тюрьму или лишение свободы.

**INADMISSIBLE** - Недопустимое или неприемлемое доказательства на суде.

**IN CAMERA** - Слушание дела в кабинете судьи или в зале суда при отсутствии всех участников суда включая жюри. Латинское слово означает ' в кабинете '.

**INCAPACITY**- Отсутствие власти или юридической правоспособности действовать.

**INCARCERATE** - Заключить в тюрьму.

**INCEST** - Сексуальные отношения между лицами, так близко связанными родственными узами, что брак между ними был бы противозаконным.

**INCOMPETENCY** - Отсутствие способности понять суть и предмет судебного разбирательства, консультироваться с адвокатом и помочь в подготовке защиты.

**INCRIMINATE** - Считать себя или другое лицо ответственным за криминальное действие.

**INDECENT EXPOSURE** - Обнажение половых органов в непристойной и бесстыдной манере в общественном месте.

**INDEMNIFY** - Ответственность за убыток переносится от одного лица, который считается ответственным по закону, на другое лицо.

**INDEMNITY** - Обязанность выплатить компенсацию за причиненный вред, ущерб или повреждение.

**INDEPENDENT EXECUTOR** - Особый тип исполнителя или душеприкащика завещания, которому разрешено законом в некоторых штатах исполнять свои обязанности без участия суда.

**INDETERMINATE SENTENCE** - Приговор тюремного заключения на минимальный или максимальный срок, санкционированный законодательным актом, который может быть изменен уполномоченным агентством, и заключенный может быть освобожден условно или досрочно после того, как он отсидел минимальный срок.

**INDIAN CHILD WELFARE ACT (ICWA)** - Федеральный закон, защищающий целостность индейских семей.

**INDICTMENT** - Официальное постановление grand jury о том, что представленные доказательства достаточны для привлечения обвиняемого к уголовной ответственности и передаче дела в суд. Как правило, это относится к тяжким уголовным преступлениям.

**INDIGENT** - Бедный нуждающийся человек, у которого нет никого, к кому бы он мог обратиться за помощью

**INDIVIDUAL EDUCATION PLAN (IEP)** - План для студентов, который дает им право на специальные услуги по образованию.

**INDORSEMENT** - Подпись на оборотной стороне документов, таких как судебные повестки, страховой полис, сертификаты ценных бумаг и т.п.



IN FORMA PAUPERIS - Разрешение суда не платить пошлину подающему заявление лицу, которое не имеет достаточно для этого средств. Латинское слово означает 'в форме бедняка'.

INFORMANT - Секретное лицо, которое дает полиции информацию о преступлении конфиденциально, что обычно делается в обмен на награду или особое отношение.

INFORMATION - Письменное обвинение лица в преступлении, которое подается в суд должностным лицом, представляющим обвиняющую сторону, и не исходит от grand jury.

INFRACTION - Незначительные нарушения закона, контракта или прав, которые не являются судебно наказуемыми проступками или преступлениями, и не могут быть наказаны заключением в тюрьму. Как правило, это небольшие нарушения правил дорожного движения.

INHABITED - Действительное и постоянное проживание в определенном месте или жилище. Синонимы - DOMICILE, DWELL, LIVE, SOJOURN.

INHABITED DWELLING - Здание, которое используется как жилой дом не зависимо от того, заселено оно или нет. На суде этот термин означает обитаемый дом, даже если его жители временно отсутствуют.

INHERITANCE TAX - Государственный налог на собственность, полученную наследником по завещанию от умершего лица. Налог обяязн платить наследник.

INITIAL APPEARANCE - Слушание дела, когда судья решает достаточно ли свидетельств против лица, обвиняемого в преступлении, чтобы начать судебное разбирательство. Конституция США запрещает секретные обвинения, поэтому первое заседание суда открыто общественности, обвиняемый должен присутствовать но не давать показаний. Также называется FIRST APPEARANCE.

INJUNCTION - Приказ суда подсудимому или ответчику делать или не делать что-либо. См. RESTRAINING ORDER.

IN LOCO PARENTIS - Латинское слово означает "вместо родителя". Относится к действиям опекуна или другого лица, заменяющего родителя.

INMATE - Лицо, заключенное в тюрьму или исправительный дом.

INNOCENT UNTIL PROVEN GUILTY - По закону Американской юридической системы лица, обвиняемые в совершении преступления, считаются невиновными до тех пор, пока факты свидетельства не убедят судью или жюри в том, что эти лица совершили преступление.

IN PERSONAM - Действие или поступок, направленный против какого-либо лица.

IN PROPRIA PERSONA (IN PRO PER) - Когда лицо представляет свое дело на суде без адвоката. Латинское слово означает "сам по себе" или "своей собственной персоной". См .PRO PER and PRO SE.

IN REM - Термин используется для обозначения поступков или действий, направленных против предмета, в противоположность действий, направленных против лица "IN PERSONAM".

INSANITY PLEA - Заявление подсудимого, что он не обладает здравостью суждений, достаточной для того, чтобы принять на себя ответственность за преступные действия.

INSTRUCTIONS - Объяснения конституционных прав данные судьей подсудимому.

INTANGIBLE ASSETS - Собственность, принадлежащая лицу, которой он не может владеть физически. Например, облигации, банковые счета, авторские права, патенты и т.д.

INTENT - Намерение использовать особые средства для получения определенного результата.

INTENT TO DEFRAUD - Намерение обмануть или ввести в заблуждение кого-либо. Например, намеренно выписать обманный чек.

INTER ALIA - Помимо всего остального, кроме того, между прочим.

INTER VIVOS GIFT - Подарок, сделанный кому-либо при жизни его дарителя.

INTER VIVOS TRUST - Доверительный фонд или траст, сделанный владельцем при его жизни. Также LIVING TRUST.

INTERLINEATIONS - Запись, сделанная между строк документа.

INTERLOCUTORY- Временный; не окончательный. Предварительная апелляция, касающаяся только части вопросов, обсуждаемых в судебном деле. Сравни с DECREE.

INTERPLEADER - Когда двое или более лиц заявляют о своих правах на какую-либо вещь, которая находится у третьего лица. Третье лицо может заставить их решить спор между собой, подав в суд друг на друга.

INTERPRETER - Лицо, имеющее право переводить устно или письменно на разговорный или письменный язык который используется в суде.

INTERROGATORIES - Вопросы в письменной форме, которые задаются одной из сторон и на которые противная сторона обязана отвечать.

INTERVENOR - Лицо, которое прерывает действие по своей воле или судебны процесс с разрешения суда.

INTERVENTION - Когда третье лицо, которого может затронуть судебный процесс, получает разрешение стать одной из сторон в судебном разбирательстве. Отличается от AMICUS CURIAE.

INTESTATE- Умереть, не оставив завещания. См. TESTATE

INTESTACY LAWS - См. DESCENT AND DISTRIBUTION STATUTES.

INTESTATE SUCCESSION - Процесс передачи собственности лица, умершего без завещания, другим лицам в соответствии с законом штата.

INTOXICATION - Ослабленная способность действовать в полную силу своих умственных и физических возможностей в результате употребления алкоголя, опьянение.

INTRODUCTORY INSTRUCTIONS - Указания, данные судьей или другим должностным лицом перед началом суда, которые объясняют членам жюри, адвокатам и публике их функции и обязанности во время судебного разбирательства.

INVESTIGATION - Законное расследование в целях выявления и сбора фактов, касающихся определенного дела.

INVOLUNTARY MANSLAUGHTER - Противозаконное убийство человека, когда не было намерения убить или причинить тяжелые телесные повреждения, но которое было совершено по криминальной небрежности или не соответствовало критерию тяжкого убийства. Также NEGLIGENCE MANSLAUGHTER.

INVOLUNTARY INTOXICATION - Прием алкоголя или наркотиков лицом против своей воли или не зная об этом. Этот факт может быть использован в качестве защиты против обвинения в криминальной небрежности.

IRRELEVANT - Свидетельство, не имеющее отношения к делу.

IRREVOCABLE TRUST - Траст, который не может быть изменен или аннулирован после того, как он был учрежден.

ISSUE – (1) Спорный пункт в разногласии между сторонами в судебном деле; (2) Разослать официальное решение, принятое судом.

**JAIL** - Место содержания заключенных, которое больше по размеру, чем полицейский участок, но меньше, чем тюрьма. Обычно используется для содержания подсудимых до суда или тех кто был осужден за misdemeanor.

**JEOPARDY** - Угроза возможного осуждения и наказания. В криминальном деле обвиняемый находится "под угрозой" (jeopardy attaches ) после того, как прошло предварительное слушание и жюри было приведено к присяге.

**JOHNSON MOTION** - Прошение обсудить вердикт, вынесенный grand жюри.

**JOIN** - Соединять, объединять, войти в союз.

**JOINDER** - Соединение, объединение. Например, объединение истцов в судебном деле или объединение защиты.

**JOINT AND SEVERAL LIABILITY** - Юридическая доктрина, по которой каждая из сторон, которая ответственна за причиненный ущерб, отвечает за полную сумму повреждений.

**JOINT TENANCY** - Когда два или более лиц совместно владеют чем-либо и имеют право наследия после смерти совладельца. Это означает, что если один владелец умрет, то его доля переходит к другому владельцу.

**JOINT VENTURE** - Ассоциация лиц совместно, участвующих в коммерческом предприятии. В отличие от партнерства, эта ассоциация не обязывает к непрерывным взаимоотношениям сторон.

**JOYRIDING** - Противозаконное взятие чужого автомобиля без намерения лишить владельца собственности. Как правило, это делается для совершения безответственной езды.

**JUDGE** - Выбранное или назначенное должностное лицо с правом слушать и решать судебные дела.

**JUDGMENT (JUDGEMENT)** - Окончательное решение, принятое судьей в судебном деле. В решении указывается сколько и когда проигравшее лицо должно платить выигравшему лицу. Иногда можно изменить приговор в процессе слушания.

**JUDGMENT CREDITOR** - Лицо, выигравшее судебное дело.

**JUDGMENT DEBTOR** - Лицо, проигравшее судебное дело.

**JUDICIAL COUNCIL** - Юридический совет, созданный в соответствии с законами Конституции, занимающийся усовершенствованием правосудия в государстве. В

Совет входят судьи, судебные исполнители, адвокаты и законодатели. В функции Совета входит стандартизация судебной практики и процесса принятия и выполнения постановлений суда.

JUDICIAL NOTICE – Признание судом правдивости фактов без официального доказательства.

JUDICIAL OFFICER - Судьи, арбитры и специальные уполномоченные, которые выносят судебные решения.

JUDICIAL REVIEW - Полномочия суда анализировать и обнародовать деятельность органов правительства в соответствии с Конституцией.

JURAT - Удостоверение письменного показания, сделанного под присягой должностным или другим лицом.

JURISDICTION – (1) Законные полномочия суда слушать дело и выносить решения; (2) Территория, на которой распространяется власть суда проводить судебные расследования; (3) Территория, предмет или лица, на которых законная власть осуществляется с помощью суда.

JURISDICTIONAL HEARING - Слушание, на котором суд решает попадает ли ребенок под власть суда для несовершеннолетних.

JURISPRUDENCE - Изучать законы и структуру юридической системы.

JUROR - Член жюри.

JUROR, ALTERNATE - Дополнительный член жюри, назначенный вместо заболевшего или того, кто не может участвовать в судебном заседании.

JURY - Группа граждан, выбранная в соответствии с законом и наделенная правом решать судебные дела.

JURY BOX - Место в зале суда, где заседают члены жюри во время судебного процесса.

JURY COMMISSIONER - Должностное лицо, которое подает в суд списки возможных членов жюри.

JURY FOREMAN - Старший в жюри, который руководит обсуждением дела и говорит от имени жюри на суде, когда объявляют вердикт.

JURY, HUNG - Жюри, члены которого не могут прийти к соглашению о вынесении вердикта в течение необходимого времени.

**JURY INSTRUCTIONS** - Инструкции, которые судья дает членам жюри перед тем, как они должны решать дело. Им объясняют какие законы применяются в данном деле.

**JURY TRIAL** - Суд, на котором жюри слушает дело и выносит решения.

**JUSTIFICATION** - Законная или веская причина для чьих-либо действий или их отсутствия. Защита должна представить вескую причину его действий. Например, если подзащитному представлены обвинения в оскорблении действием, то оправданием может служить то, что применение силы было необходимо.

**JUSTIFIABLE** - Спорные вопросы или заявления, которые могут быть рассмотрены на суде.

**JUSTIFIABLE HOMICIDE** - Намеренное убийство человека, но без злого умысла и при таких условиях необходимости и долга когда действия считаются правильными и снимается вина.

**JUVENILE** - Лицо младше 18 лет. См. MINOR.

**JUVENILE COURT** - Отдел Высшего суда (superior court), который рассматривает дела о преступности несовершеннолетних и назначения опеки над ними.

**JUVENILE HALL** - Помещение, где содержатся малолетние преступники.

**JUVENILE WAIVER** - Передача дела обвиняемого малолетнего лица из суда для несовершеннолетних в Окружной суд.

**KIDNAPPING** - Похищение лица или содержание его под стражей против его воли.

**KEEPER** - Должностное лицо, назначенное судом и ответственное за деньги и собственность, взятую по закону в связи с делом, которое находится на рассмотрении.

**KNOWINGLY** - Сознательно, по своей воле или намеренно совершенное преступление.

**LACKING CAPACITY** - Отсутствие квалификации, компетентности, способности или пригодности. Неспособность дать согласие. Отсутствие способности отвечать за свои поступки.

**LARCENY** - Кража или похищение чужого имущества.

**LAW** - Комбинация правил и принципов поведения, разрешенных законодательной властью и установленных решением суда и местными обычаями.

**LAW AND MOTION** - Когда судье представляют различные прошения, просьбы, приговоры, приказы и процессуальные запросы.

**LAW CLERKS** - Лица, обученные правоведению, которые помогают судье вести судебное дело.

**LAW ENFORCEMENT AGENT** - Должностное лицо, давшее клятву, и имеющее законную власть арестовывать лиц, подозреваемых в нарушении закона.

**LAWSUIT** - Судебное разбирательство между двумя и более лицами, когда дело не является криминальным.

**LAY PERSON** - Лицо, не обученное правоведению.

**LEADING QUESTION** - Наводящий вопрос, вопрос, который дает инструкции свидетелю что нужно ответить. Совет дать нужный ответ.

**LEASE** - Соглашение о сдаче в аренду недвижимой собственности. Как правило, соглашение оформляется письменно и на определенный период времени.

**LEGAL AID** - Профессиональная юридическая помощь, обычно оказываемая лицам или организациям, которые не в состоянии оплатить расходы по найму адвоката.

**LENIENCY** - Рекомендация вынести приговор менее суровый, чем максимально разрешаемый.

**LESSER INCLUDED OFFENSE** - Преступление, включающее некоторые, но не все элементы более тяжелого преступления; более тяжелое преступление автоматически включает в себя все элементы более легкого преступления.

**LETTERS OF ADMINISTRATION** - Правовой документ, выданный судом должностному лицу и дающий право ему взять под контроль имущество от имени умершего лица.

**LETTERS OF CONSERVATORSHIP** - Судебные документ, дающие право опекуну действовать от имени опекаемых лиц. Также имеет название **LETTERS**.

**LETTERS OF GUARDIANSHIP** - Документ, дающий право лицу взять на себя ответственность за какое-либо лицо или за малолетних, душевнобольных, некомпетентных лиц или\ и их состояние, когда в этом возникнет необходимость.

**LETTERS ROGATORY** - Официальное письмо, посланное судом суду или судье другой страны с прошением взять показания свидетеля, который живет в юрисдикции их суда, и переслать их в суд, где рассматривается дело.

LETTERS TESTAMENTARY - Судебный документ, выданный судом, дающий исполнителю завещания законное право взять под контроль имущество от имени умершего лица.

LEVY - Получить деньги законным путем посредством конфискации и \ или продажи собственности.

LEWD CONDUCT - Непристойное, похотливое, недостойное, вульгарное поведение.

LIABILITY - Судебные долги и обязательства.

LIABLE - Ответственный за что-либо в соответствии с законом.

LIBEL - Ложный и злонамеренный материал, написанный или опубликованный в целях испортить репутацию. См. DEFAMATION.

LIE DETECTOR - Прибор, который с помощью иглы показывает различные эмоциональные волнения человека во время его правдивых или лживых ответов, на что указывают изменения в давлении крови, дыхании и потовыделении.

LIEN - Право не разрешать продажу собственность должника до тех пор, пока он не заплатит долги.

LIFE IMPRISONMENT - Приговор, по которому осужденный преступник должен провести всю оставшуюся жизнь в тюрьме.

LIMINE - Прошение, поданное судье, о неразрешении представлять определенного вида доказательства, которые могут создать предвзятое мнение у членов жюри.

LIMINE MOTION - Прошение, поданное судье до начала суда, запретить адвокату противной стороны использовать или ссылаться на доказательства определенные доказательства.

LIMITATION OF ACTIONS - Время, ограниченное законом, в течение которого лица могут обращаться в суд по какому-либо делу. Например, STATUTES OF LIMITATION.

LIMITED ACTION - Гражданское судебное дело, в котором пытаются получить возмещение меньше, чем установлено законом. В этом случае применяются упрощенные правила судебного процесса.

LIMITED JURISDICTION - Ограниченное право определенных судов слушать дела. Например, дела по дорожным происшествиям обычно слушаются судами с ограниченной юрисдикцией.



LINEUP - Процедура опознания преступника путем выстраивания в ряд подозреваемого и других лиц перед жертвой или свидетелем преступления в целях опознания ими лица, совершившего преступление.

LIS PENDENS - Судебное дело находящееся на рассмотрении.

LITIGANT - Сторона, участвующая в судебном процессе.

LITIGATION - Дело, спор или судебный процесс.

LIVING TRUST - Траст, сделанный лицом при жизни. Также называется INTER VIROS TRUST.

LOCALITY DISCRIMINATION - Лица, которые оказывают неправомерное предпочтение какой-либо местности или имеют против нее неправомерное предубеждение.

LOCAL RULES - Правила, которые нужно выполнить в судебном деле. Каждый округ или суд имеет свои правила.

LOCUS DELICTI - Место, где совершилось правонарушение.

LOITERING - Находиться без дела, особенно общественном месте.

LYNCHING - Предать человека смерти через повешение без законного разрешения.

MAGISTRATE - Судебное должностное лицо, имеющее право выдавать ордер на арест.

MAKE OR DRAW - Сделать и изобразить. Моделировать и выполнить в юридической форме. Подготовить чертеж; составить и написать в надлежащей форме, такой как дело, контракт, жалоба, ответ, прошение и т.д.

MALFEASANCE - Действие, которое не следовало бы совершать.

MALICE - Неприязнь, ненависть или враждебность, проявляемые одним лицом по отношению к другому, что может вызвать преступное действие, не оправданное и не извиняемое законом.

MALICE AFORETHOUGHT - Намерение убить человека или совершить что-либо зная, что это представляет опасность для жизни человека.

MALICIOUS MISCHIEF - Намеренное разрушение собственности по причине неприязни или враждебности к ее владельцу.

**MALICIOUS PROSECUTION** - Действие с намерением причинить вред обвиняемому без основания на это, что оканчивается в пользу обвиняемого.

**MALICIOUSLY** - Досаждать или причинять вред кому-либо, иметь намерение совершить злое дело, намерение нанести телесные повреждения или не уважать права личности.

**MALPRACTICE** - Нарушение профессионального долга лицом, которое действует внимательно и честно, без обмана или тайного сговора. Этот термин обычно применяют к поведению врачей, адвокатов или бухгалтеров.

**MANDAMUS** - Распоряжение суда, приказывающее общественному должностному лицу выполнять какое-либо действие.

**MANDATE** - Распоряжение суда или судебного должностного лица, данное соответствующему должностному лицу, уполномочивающее его выполнять судебные решения, приговоры или постановления.

**MANDATORY** - Требуемый, приказанный.

**MANSLAUGHTER, INVOLUNTARY** - Противозаконное убийство человека без злого намерения, когда смерть вызвана каким-либо другим противозаконным действием, которое обычно не должно привести к серьезным повреждениям.

**MANSLAUGHTER, VOLUNTARY** - Противозаконное убийство человека без злого намерения, когда убийство совершено в результате внезапного и исключительно сильного эмоционального импульса.

**MARIJUANA** - "CANNABIS" - это однолетнее травянистое растение с жестким стеблем и глубоко прорезанными листьями, которое является противозаконным наркотиком, используемым для вдыхания при курении или с приемом пищи, в результате чего возникает длительная интоксикация. Любое лицо, которое выращивает, транспортирует или перерабатывает это растение, для личного потребления или для продажи, виновно в преступлении в случае, если он не представит должную защиту.

**MARIJUANA, DEFENSE OF COMPASSIONATE USE** - Выращивание, транспортирование или переработка марихуаны разрешены законом в том случае, когда этот наркотик применяется при определенных условиях, таких как применение в медицине, которое считается врачом необходимым и рекомендуется принимать внутрь пациентом в разумных дозах.

**MARSDEN MOTION** - Прошение о назначении другого адвоката, поданное обвиняемым в суд, в случае когда право обвиняемого на эффективную защиту которое гарантируется Конституцией, было нарушено его адвокатом.

**MASSIAH MOTION** - Прошение адвоката к судье об исключении из дела признания подсудимого, полученного обманным путем.

**MASTER** - Адвокат, назначенный судьей окружного суда с согласия Главного судьи Апелляционного суда, руководить слушанием дела, следить за порядком предоставления фактов, решений на основании закона и рекомендаций.

**MATERIAL EVIDENCE** - Существенные показания, являющиеся убедительными для судьи и жюри по своей логической связи с обсуждаемым делом.

**MATERIAL WITNESS** - Свидетель, чьи показания являются решающими для защиты или для обвинения в криминальном судебном деле.

**MAYHEM** - Злонамеренные телесные повреждения, которые делают человека нетрудоспособным или обезображивают его.

**MEDIATION** - Когда в споре двух сторон третья нейтральная сторона помогает прийти к решению, приемлемому для обеих сторон.

**MEMORANDUM OF COSTS** - Отчет об общей стоимости, заверенный и с указанием цен по пунктам, после принятия решений судом.

**MEMORIALIZED** - Сделать пометку при чтении написанного.

**MENACE** - Угроза; словесное или физическое проявление угрозы; решение причинить зло или телесные повреждения кому-либо.

**MENS REA** - "Виновный рассудок", что необходимо для установления криминальной ответственности.

**MENTAL HEALTH** - Состояние умственных способностей.

**MENTAL INCAPACITY** - Неспособность понимать и действовать благоразумно в обычных жизненных ситуациях из-за отсутствия умственных способностей.

**MENTAL STATE** - Способность или состояние ума человека, когда он может сделать или не сделать что-либо.

**MERITS** - Решение "по заслугам" – это решение, которое является справедливым по отношению к стороне.

**MINOR** - Ребенок до 18 лет. См. **JUVENILE**.

**MINUTE ORDER** - Документ, подготовленный судебным клерком, регистрирующий его приказы.

**MIRANDA RIGHTS** - Обязанность полицейских сказать арестованному лицу о его конституционных правах прежде, чем проводить допрос: право сохранять молчание; любое заявление, сделанное арестованным, может быть использовано против него или неё; право на адвоката; если нет материальной возможности нанять адвоката, то он может быть назначен.

**MIRANDA WARNING** - См. **MIRANDA RIGHTS**.

**MISDEMEANOR** - Преступление, за которое приговаривают к тюремному заключению до одного года.

**MISTAKE** - Какое-либо непреднамеренное действие, оплошность или ошибка в результате незнания, неожиданности или обмана недостойного человека или доверия ему.

**MISTRIAL** - Суд, который был закончен и объявлен недействительным в результате допущенной ущемляющей чьи-либо интересы ошибки в судебном разбирательстве или других исключительных обстоятельств.

**MITIGATING CIRCUMSTANCES** - Факты, которые не могут быть оправданием, но могут быть приняты во внимание как причина для смягчения наказания.

**MITIGATING FACTORS** – Факты, которые не извиняют совершения преступления, но могут защититься как смягчающие обстоятельства вины.

**MITIGATION OF DAMAGES** - Возложение обязанности на пострадавшую сторону сократить до минимума ущерб, нанесенный другой стороной.

**MITTIMUS** - Название письменного приказа суда шерифу или другому должностному лицу отправить лицо в тюрьму, психиатрическую больницу или исправительное заведение и дать указание тюремному надзирателю принять заключенного и содержать его или её до тех пор, пока не будет принято окончательное решение в соответствии с законом.

**MODIFICATION** - Устное или письменное прошение одной из сторон к суду принять решение или издать приказ по какому-либо вопросу.

**MOOT** - Пункт или вопрос в судебном деле, который обычно не имеет практического значения или прямого отношения к делу.

**MORAL TURPITUDE** - Безнравственность. Элемент преступления, которое по своей природе является порочным, в противовес преступлению, наказуемому законом.

**MOTION** - Устное или письменное прошение, которое подает судье одна из сторон до, во время или после судебного процесса, о том, чтобы судья дал распоряжение или вынес постановление в пользу этой стороны.

**MOTION DENIED** - Распоряжение, данное судьей, отказывающее удовлетворить прошение стороны.

**MOTION GRANTED** - Распоряжение, данное судьей, удовлетворить прошение стороны.

**MOTION IN LIMINE** - Письменное прошение, которое обычно подается до или после начала суда о том, чтобы суд защитил сторону против наносящих ущерб вопросов и заявлений.

**MOTION TO QUASH** - Простение объявить что-либо ненужным или аннулировать; например, аннулировать вызов в суд.

**MOTION TO SEVERE** - Простение, подаваемое обычно защитой, о назначении отдельного суда для каждого из лиц, которые были совместно судимы или обвиняемы.

**MOTION TO SUPPRESS**- Простение к суду запретить доказательство, которое было получено в результате незаконного обыска или конфискации ; обычно называется Простение 1538.5 PC.

**MUGSHOT** - Фотографии, снятые с подозреваемых после их ареста, которые обычно используются в полиции в качестве официальных снимков.

**MULIPLICITY OF ACTIONS** - Ряд ненужных попыток судиться по одному и тому же вопросу.

**MURDER** - Противозаконное и намеренное убийство человека.

**MURGIA MOTION** - Простение к судье, поданное защитником, прекратить суд на основании того, что группа лиц постоянно и систематически подвергается дискриминации.

**NECESSITY** - Сдерживающая сила; необходимое принуждение; необходимость поступка, вызванная сильным внутренним побуждением.

**NE EXEAT** - Решение суда, запрещающее лицу покидать страну, штат или подведомственную суду область.

**NEGLECT** - Отсутствие заботы и внимания в совершаемой работе или упущение, допущенное в чем-либо.

**NEGLIGENCE** - Когда кто-либо не проявляет внимания в соответствии с требованиями закона защитить права и собственность другого лица.

**NEGOTIABLE INSTRUMENTS** - Безоговорочное обещание в письменном виде и заверенное подписью или постановление заплатить определенную сумму денег предъявителю в определенное время или по его требованию.

**NEXT FRIEND** - Лицо, действующее без официального назначения, в качестве попечителя ребенка или душевнобольного, некомпетентность которого не была установлена в судебном порядке, или другого недееспособного лица.

**NO BILL** - Надпись, которую ставит гранд-жюри на обвинительном акте, означающую что свидетельство было признано недостаточным для предъявления обвинения в преступлении.

**NO-CONTEST CLAUSE** - Формулировка в завещании, которая предупреждает претендентов на его оспаривание. В ней говорится, что если лицо оспаривает завещание и проигрывает, то он или она теряют все, что могли бы наследовать.

**NO-FAULT PROCEEDINGS** - Гражданское судебное дело, в котором стороны могут прийти к соглашению без официального расследования ошибок и виновностей.

**NOLLE PROSEQUI** - Решение, принятое обвинителем прекратить обвинение в преступлении. В переводе с латинского это значит "Я предпочитаю прекратить обвинение". Так же имеет название **NOLLE PROS**.

**NOLO CONTENDRE** - Признать вину, но это признание не может быть использовано против обвиняемого в гражданском деле. Это признание используется в судах по автодорожным происшествиям или в криминальных судах. В переводе с латинского "Я не желаю спорить".

**NOMINAL PARTY** - Лицо, которое вовлечено в судебный процесс только потому, что технические правила требуют его присутствия для протокола.

**NON COMPOS MENTIS** - Душевнобольной, ненормальный.

**NON-CAPITAL CASE** - Криминальное дело, в котором наказание не включает смертный приговор.

**NON EST (INVENTUS)** - Возвращение судебного приказа в суд, когда шериф не смог найти лицо, которому он предназначался. Перевод с латинского "не найден".

**NON OBSTANTE VERDICTO (N.O.V.)** - Вердикт, вынесенный судьей, который противоречит вердикту жюри.

**NONSUIT** – Решение судьи против истца, в случае, когда он не смог доказать свой иск или отказался от суда и оставил дело нерешенным.

**NOT GUILTY** - Вердикт, вынесенный в криминальном деле, когда судья или жюри признают подсудимого невиновным.

**NOT GUILTY BY REASON OF INSANITY** - Когда жюри или судья должны определить, что обвиняемый не мог совершить преступления по причине душевной болезни или умственной отсталости.

**NOTARY PUBLIC** - Лицо, уполномоченное удостоверять подпись другого лица, брать клятву, подтверждать, что документы подлинные или принимать распоряжения.

**NOTICE** - Сообщение или предупреждение в письменном виде. Например, сообщение противной стороны, что будет подано прошение в суд в определенное время.

**NOTICE OF MOTION** - Сообщение, сделанное противной стороной, о том, что в определенный день будет подано прошение к судье.

**NOTICE TO PRODUCE** - Заявление в письменной форме, требующее чтобы противная сторона представила определенный документ во время суда или в процессе следствия до суда.

**NUISANCE** - Действия, являющиеся результатом недозволенного или незаконного использования лицом своей собственности, что приводит к неприятностям и нанесению ущерба.

**NULL AND VOID** - Не имеющий законной силы.

**NULLITY** - Судебное решение о том, что лица никогда не состояли в браке и в данный момент являются неженатыми. Сравни с **DISSOLUTION**.

**NUNC PRO TUNC** - Когда постановление издано одним числом, но эффективно за прошлое число. Перевод с латинского “ныне за прошлое”.

**NUNCUPATIVE WILL** - Завещание, сделанное устно.

**OATH** - Обещания свидетеля говорить правду на суде.

**OBJECT** - Протест, выраженный суду против действий или упущения, сделанного противной стороной.

**OBJECTION** - Официальный протест, выраженный одной из сторон, против заявления или свидетельства, которые противная сторона пытается представить на суде.

**OBJECTION OVERRULED** - Решение суда поддержать действия или упушения противной стороны.

**OBJECTION SUSTAINED** - Постановление суда в пользу стороны, которая выразила протест.

**OBSCENITY** - Поведение, развращающее нравы общества своими непристойными действиями и распутством.

**OF COUNSEL** - Адвокат, нанятый для оказания помощи в подготовке судебного дела или в его проведении и подачи апелляций, но не исполняющий функции адвоката, представляющего одну из сторон.

**OFFENDER** - Лицо, совершающее уголовное преступление, проступки или противозаконные действия, наказуемые законом.

**OFFENSE** - Нарушение закона.

**OFFENSIVE WORDS** - Оскорбительные слова, неприятный или вызывающий раздражение язык.

**OFFER OF PROOF** - Представление фактов доказательства на суде без присутствия жюри для того, чтобы суд решил допустимость этих фактов в судебном деле.

**ON A PERSON'S OWN RECOGNIZANCE** - Освобождение лица из-под стражи без внесения залога или долговой расписки, но под честное слово вернуться в суд в назначенное время.

**ONE-THIRD THE MIDTERM RULE** - Правило, по которому ограничивается срок наказания лица, которое было осуждено за множество проступков.

**OPENING ARGUMENT** - Первое заявление, сделанное адвокатами обеих сторон, представляющее в общих чертах факты, которые они намерены обсуждать на суде.

**OPENING STATEMENT** - См. **OPENING ARGUMENT**.

**OPINION** - Письменное объяснение судьи решений, принятых судом или большинством судей. Несовпадающее мнение - это несогласие с большинством по причинам или принципам закона. (**DISSENT**). Совпадающее мнение - это согласие с решением суда, но требующее комментарий. Мнение **PER CURIAM** - это неподписанное мнение суда.



**OPINION EVIDENCE** - На суде от свидетелей требуется давать показания в виде только фактов, не высказывая своего мнения что эти факты означают. Однако, если свидетель является специалистом в определенной области, то ему разрешается высказать свое мнение в качестве эксперта, основываясь на определенных фактах.

**OPPOSITION** – (1) Возражение, сопротивление; (2) конфронтация.

**ORAL ARGUMENT** - Когда на суде адвокаты подводят итог своих точек зрения и отвечают на вопросы судьи.

**ORAL COPULATION** - Сексуальный акт посредством полового органа одного лица и рта или заднего прохода другого лица.

**ORDER TO SHOW CAUSE** - Постановление суда о том, чтобы лицо явилось в суд для дачи объяснений по поводу невыполнения правил.

**ORDER, COURT** – (1) Решение должностного судебного лица; (2) директива суда.

**ORDINARY NEGLIGENCE** - Непроявление достаточной осторожности, которую обычный благоразумный человек проявил бы при данных условиях.

**ORDINANCE** - Постановление, принятое местным правительством, о том, чтобы привести в исполнение, контролировать или ограничить определенные действия.

**ORIGINAL JURISDICTION** – Суд первой инстанции, в который должно подаваться дело.

**OVERRULE** - Решение судьи отклонить протест. Решение вышестоящего суда о том, что решение нижестоящего суда не верно.

**OVERRULED** - См. **OVERRULE**.

**OVERT ACT** – Явный и открытый акт, показывающий намерение совершить преступление.

**OWN RECOGNIZANCE** - Освобождение лица из-под стражи без внесения залога или долговой расписки.

**PANDERING** - Сводничество. Устраивать свидания для занятия проституцией.

**PARALEGAL** - Лицо, имеющее право работать в системе юрисдикции, но не адвокатом, а под руководством адвоката.

**PARDON** - Когда глава исполнительной власти штата или страны освобождает осужденного от наказания, к которому его приговорил суд.

PARENS PATRIAE - Право государства действовать вместо родителей в защиту ребенка или его собственности.

PAROLE - Освобождение заключенного, если он отвечает всем условиям освобождения, из тюрьмы для отбывания остатка срока заключения вне тюрьмы под надзором.

PAROLE EVIDENCE - Устное или словесное свидетельство. Правила PAROLE EVIDENCE ограничивают допустимость свидетельства, которое противоречит ясным условиям письменного контракта.

PARTY - Одна из сторон в судебном деле. Лицо, которое начинает дело, называется истцом или обвинителем. Лицо, на которое подана жалоба, называется ответчиком или обвиняемым.

PAT DOWN SEARCH - Обыск одежды лица для обнаружения оружия, которое это лицо могло бы применить против полицейского. Обыск может быть произведен, если полицейский уверен, что задержанный вооружен и опасен.

PATENT - Исключительное право, данное изобретателю правительством, использовать или продать свое изобретение.

PATERNITY - Биологические родители ребенка.

PEACE OFFICER - Шерифы и их заместители, полицейские города или другие должностные лица полиции, которые обеспечивают общественный порядок.

PENALTY - Наказание за нарушение закона.

PENALTY ASSESSMENT - Сумма денег, добавленная к штрафу.

PENALTY OF PERJURY - Условия, при которых лицо дает клятву в том, что будет давать показания, делать заявления, свидетельствовать или ручаться за что-либо правдиво и без обмана под страхом наказания за лжесвидетельство.

PENDING - Состояние судебного дела, которое еще не решено судом.

PENETRATION, UNLAWFUL - Противозаконное введение мужского члена в женский даже в незначительной степени.

PENITENTIARY - Тюрьма или место заключения, где отбывают срок наказания осужденные преступники.

PEOPLE (PROSECUTION) – Прокурор Штата, представляющий людей штата Калифорния.

PER CURIUM OPINION - Не подписанное мнение суда.

PEREMPTORY CHALLENGE - Право отвода или дисквалификации потенциального члена жюри без указания причины.

PERJURY - Ложное заявление, сделанное в процессе суда намеренно и находясь под клятвой.

PERMANENCY HEARING - Слушание дела детей, которые находятся на обеспечении государством и проживают в чужих семьях или ожидают их определение в чужие семьи и которые были младше трех лет, когда поступили под опеку государства, а также всех детей в целях определения их благосостояния, оценки, возможности воссоединения с родителями и установления постоянного плана обеспечения.

PERMANENT INJUNCTION - Постановление суда, требующее, чтобы одна из сторон предприняла действие или воздержалась от него, в отличие от временного освобождения от ответственности, такое как TEMPORARY RESTRAINING ORDER или PRELIMINARY INJUNCTION.

PERMANENT PLANNED LIVING ARRANGEMENT (PPLA) - Одна из долгосрочных программ, которая может быть назначена для ребенка, если его не вернули на попечение родителей; долгосрочное проживание в чужой семье.

PERMANENT RESIDENT - Лицо, которое проживает в каком-либо месте в течение периода времени и указывает это своим официальным адресом.

PERSON IN NEED OF SUPERVISION - Несовершеннолетний, совершивший нарушение, которое является проступком, а не преступлением несовершеннолетних. Типичные проступки несовершеннолетних – это систематические прогулы на работе, нарушение комердантского часа или побеги из дома. Эти проступки не являются преступлением, но достаточны для того, чтобы установить надзор за нарушителями. В других штатах это может называться "дети или малолетние, нуждающиеся в надзоре". См. STATUS OFFENDERS.

PERSONAL PROPERTY - Вещи, принадлежащие владельцу, которые можно передвигать, такие как мебель, оборудование или картины.

PERSONAL RECOGNIZANCE - Освобождение лица до суда под честное слово, что он явится в суд в нужное время; долговая расписка не требуется. Также освобождение с обязательством явиться в суд с занесением в протокол ( ROR ). См. ON A PERSON'S RECOGNIZANCE.

PERSONAL REPRESENTATIVE - Лицо, выбранное судом для сбора, управления и распределения собственности умершего лица. Если в завещании указано имя, то

его называют душеприказчиком или исполнителем завещания "EXECUTOR". Если имя в завещании не указано, то распорядителя собственностью умершего называют администратором "ADMINISTRATOR".

PETIT JURY or TRIAL JURY - Группа граждан, которые слушают и обсуждают доказательства, представленные на суде. Жюри по криминальным делам состоит из 12 человек. Жюри по гражданским делам состоит из 6 человек.

PETITION - Судебный документ с прошением начать судебный процесс. Например, в судебных делах несовершеннолетних с этого документа начинают судебное заседание. Сравни с MOTION.

PETITIONER - Лицо, которое подает петицию в суд.

PETTY OFFENSE - Преступление, за которое наказание не превышает трех месяцев тюремного заключения или штраф 500 долларов.

PETTY THEFT - Кража чужой собственности ценностью стоимостью не менее \$100 с намерением навсегда лишиться владельца.

PIMP - (1) Нахождение клиентов для занятия проституцией; (2) лицо, которое предоставляет клиентов проституткам.

PITCHES MOTION - Просьба обвиняемого к суду представить личное дело полицейского, чтобы выяснить были ли на него жалобы или случаи чрезмерного применения силы или проявление жестокости.

PLAINTIFF - Лицо или группа лиц, которые подают иск на другое лицо.

PLEA - В криминальном деле - это ответ обвиняемого на предъявленные ему обвинения "виновен" или "не виновен" См. NOLO CONTENDRE.

PLEA BARGAIN - Соглашение между обвинителем и обвиняемым. Это дает возможность обвиняемому, если это одобрено судом, признать свою вину в менее серьезных преступлениях.

PLEAD - Признать свою вину или отрицать совершение преступления.

PLEADING - Заявление в письменном виде, поданное в суд, в котором излагаются законные и требования стороны в судебном деле и то, что эта сторона хочет от суда.

POLLING THE JURY - Опрос каждого члена жюри индивидуально, согласны ли они с окончательным вердиктом в деле, которое они решили.

POLYGRAPH - Испытание на детекторе лжи; детектор лжи.

POSSESSION OF DRUGS - Наличие наркотиков у лица, обвиняемого в использовании их для личных целей или для продажи.

POST CONVICTION - Когда осужденный протестует против осуждения или приговора на основании допущенной ошибки.

POSTPONEMENT - Отложить или задержать слушание дела.

POUR-OVER WILL - Завещание, по которому все состояние или его часть оставляются трасту, который был установлен до смерти лица, оставившего завещание.

POWER OF ATTORNEY - Официальные полномочия лица действовать в интересах другого лица.

PRAYER - Просьба к суду начать судебный процесс, оказать помощь подающему прошение; также часть документа, содержащего эту просьбу.

PRECEDENT - Решение суда, принятое в одном из ранних судебных дел, которое суд использует как закон в других подобных делах.

PREINJUNCTION - Постановление суда, требующее или запрещающее делать что-либо до тех пор, пока не будет издано постоянно действующее постановление.

PREJUDICE - Когда действие или решение отрицательно сказывается на правах человека.

PREJUDICIAL ERROR - Подлежащая обжалованию ошибка; ошибка, которую можно обжаловать в апелляционном суде, чтобы изменить решение. Синоним – REVERSIBLE ERROR.

PREJUDICIAL EVIDENCE - Доказательство, которое может несправедливо склонить судью или членов жюри в одну, либо в другую сторону.

PRELIMINARY HEARING - Предварительное слушание дела лица, которое обвиняется в совершении преступления, чтобы определить имеется ли достаточно улик для судебного дела.

PRELIMINARY INJUNCTION - Необходимость принять статус кво на гражданском суде. Суд может принять этот статус или издать временно ограничивающий деятельность приказ для того, чтобы сторона выполнила указанные действия.

PREMEDITATION - Планирование преступления до его совершения в отличие от преступления, совершенного спонтанно или мгновенно.

**PREMISES** - То, что предшествует; предшествующее заявление.

**PERMANENCY HEARING** - Слушание дела на суде согласно с **WELFARE AND INSTITUTIONS CODE**, раздел 366. 21 (е), о детях, находящихся на обеспечении государства и проживающих в чужих семьях, которые были в возрасте старше трех лет, когда их разлучили с родителями для того, чтобы контролировать средства содержания их и оценки возможности воссоединения их с родителями.

**PREPONDERANCE OF THE EVIDENCE** - Чтобы выиграть гражданское дело, истец должен иметь больше доказательств, чем ответчик (доказательство в пользу истца должно быть 51% или больше).

**PRESENTENCE REPORT** - Доклад, подготовленный Управлением по надзору за отбывающими испытательный срок для судьи при вынесении приговора. В докладе указываются анкетные данные – финансовое положение, работа, семейное положение, общественное положение, криминальная история, факты совершения проступков.

**PRESENTMENT** - Декларация или документ, изданный Гранд жури, который является либо беспристрастным докладом, либо записью проступков, совершенных официальными лицами, исполняющими общественные обязанности. Обычно этот документ не содержит официальное обвинение в преступлении и отличается от **INDICTMENT**.

**PRESUMED FATHER** - Муж матери ребенка, подписавший документ об отцовстве, или принявший ребенка в свой дом и содержащий его как своего собственного не зависимо от того, является ли он его биологическим отцом.

**PRESUMPTION** - Решение о том, является ли ложным или достоверным заявление или представленный факт, которое действительно до тех пор, пока не будет доказано опровержение.

**PRESUMPTION OF INNOCENCE** - Свято чтимый принцип криминального закона, суть которого в том, что лицо не является виновным в преступлении до тех пор, пока его вина не будет доказана прокурором. Каждый элемент преступления должен быть доказан сверх всякого сомнения. Подсудимый не обязан доказать свою невиновность.

**PRESUMPTION OF LAW** - Правило, по которому суды и судьи обязаны делать определенный вывод из определенных фактов или свидетельства.

**PRETERMITTED CHILD** - Ребенок, родившийся после того, как было написано завещание, и не имеющий право на завещанную собственность. В большинстве штатов имеются законы, по которым такие дети получают часть собственности.

**PRETRIAL CONFERENCE** - До начала суда обе стороны приходят в суд для переговоров и решения вопросов. В криминальном деле обычно прокурор и защитник приходят для переговоров о решении дела.

**PRIMA FACIE CASE** - Судебное дело, в котором имеется минимальное количество доказательств, необходимых для получения разрешения продолжать судебный процесс. Латинское слово означает "на первый взгляд".

**PRINCIPAL** - Имеющий власть или права.

**PRINCIPALS** - Лица, которые вовлечены в преступление или намерение совершить его. Лица, которые непосредственно совершают или делают попытку совершить преступление и те, кто помогает в совершении или попытке совершить преступление.

**PRINCIPLE TERM** - Самый большой срок тюремного заключения, который дается обвиняемому за один любой пункт обвинения, или когда к основному сроку прибавляются дополнительные сроки.

**PRIORS** - Предыдущие судимости обвиняемого.

**PRIOR CONVICTION** - Используется в Высшем суде (Superior Court или суде первой инстанции) как заявление, что подсудимый уже был осужден и был в тюремном заключении раньше.

**PRIOR INCONSISTENT STATEMENT** - Ранее данные показания свидетеля, которые противоречат показаниям, которые он дал на суде.

**PRISON** - Федеральное общественное здание или здание штата, в котором содержат заключенных, отбывающих наказание. Также известно под названием – исправительное заведение, тюрьма для уголовников, исправительная тюрьма для взрослых.

**PRIVACY, RIGHT OF** - Право лица быть неприкосновенным; право лица на свободу от незаконной гласности.

**PRIVILEGE** - Привилегия, которой пользуются некоторые лица; исключительное право быть освобожденным от обвинений или других исков. См. IMMUNITY.

**PRIVILEGED COMMUNICATIONS** - Конфиденциальные разговоры между определенными лицами, которые защищены законом против раскрытия, включая принудительное раскрытие на судебных процессах. Разговоры между адвокатом и клиентом, врачом и пациентом, священником, пастором или раввином и раскрывающимся человеком являются конфиденциальными.

**PRIVITY** - Совместное или последовательное право на собственность, совместный интерес двух лиц, имеющих одно и то же законное право на что-то.

**PROBABLE CAUSE** - Существенная причина для того, чтобы верить, что преступление совершилось или совершается; основание для законного обыска, захвата или ареста.

**PROBATE** - Судебный процесс в целях определения, является ли завешание умершего лица подлинным, и законного распоряжения состоянием умершего лица.

**PROBATE COURT** - Суд, имеющий полномочия решать дела о состояниях умерших лиц.

**PROBATE ESTATE** - Все имущество, входящее в состояние, которое должно быть утверждено судом. Это имущество не включает всю собственность. Например, собственность в совместном владении не подлежит утверждению судом.

**PROBATION** - Судебный приговор, альтернативный тюремному заключению, когда суд освобождает обвиняемого от тюрьмы и передает его под надзор должностного лица, которое следит за тем, чтобы осужденный выполнял определенные правила, например, работал, получал консультации о наркотиках и.т.д.

**PROBATION BEFORE JUDGMENT (PBJ)** – Испытательный срок до приговора; если испытательный срок окончен успешно, приговор не будет вынесен.

**PROBATION DEPARTMENT** - Управление по надзору за лицами, отбывающими срок наказания под надзором; место, где работают должностные лица, осуществляющие надзор.

**PROBATION OFFICER** - Должностное лицо, осуществляющее надзор за отбывающими срок наказания, и докладывающее о поведении подопечных и нарушают ли они условия и правила которые им предписаны.

**PRO BONO** – Адвокатские услуги, выполняемые бесплатно. Латинское слово означает “на благо общества”.

**PROCEDURAL LAW** - Правила, которым следуют на судебном разбирательстве; порядок проведения судебного процесса.

**PRODUCTS LIABILITY** - Установленная законом обязанность производителей товара и его продавцов компенсировать покупателю, потребителю или даже свидетелю за ущерб или повреждения, полученные из-за изъяна или неисправности купленного товара.



**PROFFER** - Предложение предоставить доказательства, которые могли бы быть представлены свидетелем, которому суд не разрешил дать показание. Это делается для того, чтобы апелляционный суд (если дело пойдет на апелляцию) решил правильность решения суда первой инстанции.

**PRO HAC VICE** - В особом случае. Например, посторонний адвокат может быть допущен к работе в местной юрисдикции только в особом случае. Латинское слово означает "ради этого".

**PROHIBITION** - Действие или закон, которые запрещают что-либо.

**PROMISSORY NOTE** - Письменный документ, подтверждающий, что одно лицо обещает другому заплатить деньги.

**PROOF** - Любой факт или свидетельство, которые способствуют вынесению судебных решений.

**PROOF OF SERVICE** - Форма, заполняемая должностным лицом суда, которая подтверждает, что судебные бумаги были доставлены должным образом.

**PRO PER** - Лицо, которое представляет себя на суде без участия адвоката. См. **IN PROPRIA PERSONA** и **PRO SE**.

**PROPERTY** - Осязаемая или неосязаемая собственность лица, принадлежащая ему по закону.

**PRO SE** - Лицо, представляющее себя на суде без участия адвоката. См. **PRO PER** и **PRO SE**.

**PROSECUTING ATTORNEY** - Должностное лицо штата, прокурор, являющееся обвинителем в криминальных судебных делах. См. **PROSECUTOR** и **DISTRICT ATTORNEY**.

**PROSECUTION** – (Прокуратура) - Сторона, которая возбуждает криминальное дело и подает жалобу в суд. Обвинителем является общественный адвокат штата. Общее название стороны, представленной штатом в судебном деле.

**PROSECUTOR** – (Прокурор) - Адвокат, представляющий правительство в криминальном деле и интересы государства в гражданском деле. В криминальном деле прокурор принимает решение возбудить уголовное дело.

**PROSTITUTION** - Совершение сексуального акта за плату.

**PROTECTIVE ORDER** – Постановление суда, защищающее лицо от домогательств или действий связанных с судебным делом (включая discovery process).

PRO TEM - Временно назначенное официальное должностное лицо с правом слушать и решать дела в суде.

PROXIMATE CAUSE – Действие, явившееся причиной того, что произошло.

PUBLIC DEFENDER - Адвокат, назначенный судом для представления обвиняемого, который не имеет финансовой возможности нанять частного адвоката.

PUNITIVE DAMAGES - Деньги, присужденные судом пострадавшему лицу, свыше стоимости нанесенного ущерба для того, чтобы наказать ответчика, который нанес ущерб.

PURGE - Очистить, например, уничтожить ненужные записи в папках суда.

QUANTUM MERUIT - В переводе с латинского означает “столько, сколько заслуживает”; количество обязанностей, указанных в контракте, подразумеваемых законом.

QUASH - Уничтожить, отменить, аннулировать или делать недействительным.

QUASI JUDICIAL - Полномочия и свобода действий, данные официальному должностному лицу, работающему в судопроизводстве.

QUID PRO QUO - Что-то за что-то; дать одну вещь в обмен на другую.

QUO WARRANTO - Распоряжение, изданное государством, требующее чтобы было показано по какому праву лица исполняют государственные полномочия, и почему эти лица не должны быть удалены из государственных учреждений.

RAP SHEET - Краткое письменное изложение криминальной истории какого-либо лица.

RAPE - Незаконный половой акт с лицом против его или ее воли.

RAPE, STATUTORY - См. STATUTORY RAPE.

RATIFICATION - Подтверждение или признание стороны в том, что предшествующее действие было совершено самой стороной или другими.

RATIO DECIDENDI - Основание или причина для вынесения решения в судебном деле.

RE - В вопросе; в деле.

REAL EVIDENCE – Вещественное доказательство, предложенное, чтобы опровергнуть противоположную сторону.

REAL PROPERTY – Недвижимость, земля и здания.

REASONABLE DOUBT, BEYOND A - Степень уверенности, необходимая членам жюри, чтобы на основании закона признать обвиняемого виновным. Обвиняемое лицо должно быть признано невиновным, если, по мнению жюри, вина не была доказана “вне всякого сомнения”; положение, когда члены жюри не имеют полной уверенности в правдивости обвинения.

REASONABLE PERSON - Предполагаемое лицо, которое обладает такими качествами, как внимание, знание, интеллект и считает, что интересы общества должны быть защищены. Чтобы определить повинен ли ответчик в небрежности его действия сравниваются с действиями предполагаемого лица, которое действует как нормальный, разумный человек.

REBUTTAL - Доказательство, представленное на суде одной стороной, чтобы превзойти доказательства другой стороны.

RECALL - Отмена судом распоряжения арестовать обвиняемого, которое еще не было выполнено; просьба к судье, который находится на пенсии, заседать в судебном деле.

RECEIVING STOLEN PROPERTY - Принимать любую собственность, зная, что она украдена, взята силой, вымогательством, присвоена и использована, является преступлением.

RECIDIVISM - Длительное и привычное нарушение закона лицом, которое уже имело судимости за преступления.

RECKLESS DRIVING - Езда на автомобиле с беспечным безразличием к возможным последствиям такой езды, а также к правам человека.

RECLASSIFY - Изменение судопроизводства дела от ограниченного (\$25,000) до неограниченного (более \$25,000) и наоборот.

RECOGNIZANCE - Разрешение, данное судом обвиняемому, ожидать суда без надзора и обещаая явиться в суд в нужное время. Невяка в суд в назначенное время является преступлением.

RECORD - Официальная документация, составляющая судебное дело.

RECUSE - Когда лицо выходит или его выводят из гражданского или криминального дела по причине конфликта интересов. Например, судья может дать

себе отвод, потому что лицо, участвующее в судебном деле, его друг или партнер по бизнесу.

**REDACT** - Адаптировать или редактировать для публичного издания.

**RE-DIRECT EXAMINATION** - Возможность представить суду контрдоказательство после того, как свидетелей подвергли перекрестному опросу.

**REDRESS** - Исправить, выправить; компенсировать; устранить причину недовольства.

**REFEREE** - Лицо, назначенное судом, слушать и решать судебные дела с ограничением. Например, судебные дела несовершеннолетних или дела по автодорожным происшествиям.

**REGULATION** - Постановление или приказ, изданный для руководства или правительства.

**REHEARING** - Повторное слушание уголовного дела тем же судом, который слушал это дело первоначально.

**REINSTATED** - Вернуть в прежнее состояние. Когда залог за освобождение из-под стражи, который был конфискован, аннулирован или сокращен, возвращается к первоначальной сумме.

**REJOINDER** - Возможность, которая представляется стороне, начавшей судебное дело, дать ограниченный ответ на контрдоказательство (rebuttal), представленное противной стороной.

**RELEVANT** - Свидетельство, которое помогает доказать пункт или вопрос в судебном деле.

**RELINQUISHMENT** - Отказ, отречение; передача права.

**REMAND** – (1) Когда апелляционный суд отсылает дело в нижестоящий суд для дальнейшего судебного разбирательства; (2) Возвращение заключенного в тюрьму.

**REMEDY** - Средства, с помощью которых обеспечивается соблюдение законов, предотвращается их нарушение.

**REMITTITUR** - Передача дела из апелляционного суда в первоначальный суд для дальнейших действий или выполнений распоряжений апелляционного суда.

**REMOVAL** - Передача дела в Федеральный суд; гражданское дело может быть передано по причине того, что стороны проживают в разных штатах; для

**передачи криминальных дел и некоторых гражданских должна быть очень веская причина , по которой судебный процесс в суде штата не может быть справедливым.**

**REPLEVIN** - Возвращение собственности, которая была незаконно взята.

**REPLY** - Ответ стороны на обвинения, которые были высказаны противной стороной.

**REPORT** - Официальное изложение фактов или судебного разбирательства.

**RES** - Вещь; предмет; предмет спора или дискуссии; статус.

**RES IPSA LOQUITUR** - В переводе с латинского означает “ вещь, которая говорит сама за себя”. В гражданском праве - это доктрина, по которой ответчик считается или подразумевается виновным в неосторожности , когда нет явных показаний, что он или она были неосторожны.

**RES JUDICATA** - Закон гражданского права, по которому дело, которое уже однажды рассматривалось в суде и суд вынес окончательное решение, не может повторно рассматриваться в том же или в другом суде.

**RESCUE DOCTRINE** - В соответствии с этой доктриной лицо, которое вследствие своей неосторожности угрожало безопасности другого лица, является ответственным за повреждения, полученные третьим лицом, которое пыталось спасти лицо, подвергавшееся опасности.

**RESPONDEAT SUPERIOR** - В переводе с латинского означает “ пусть ответит хозяин”. Доктрина, по которой наниматель или хозяин отвечает за действия и поступки своего служащего или агента в пределах его обязанностей, выполняемых на работе.

**RESPONDENT** - Лицо, которое отвечает на заявление. Если это лицо в дальнейшем подает заявление о своих собственных действиях в этом деле, то оно все же является ответчиком до тех пор, пока дело открыто.

**REST** - Когда одна сторона представила все доказательства, которые она намеревалась предложить.

**RESTITUTION** - Вернуть собственность владельцу, например, заплатить за починку его собственности.

**RESTITUTION HEARING** - Слушание дела по поводу прошения обсудить сумму денег, установленную судом, которую нужно возратить владельцу.

**RESTRAINING ORDER** - Приказ суда лицу прекратить действия на какое-то определенное время, обычно до окончания судебного процесса.

**RETAINER** - Действия клиента по найму адвоката. Также сумма, которую клиент платит, когда нанимает адвоката, чтобы он действовал в его интересах.

**RETALIATION** – Урон, причененный лицу в ответ или в отместку за причинение им ущерба другому лицу.

**RETURN** - Доклад полицейского судье о выполнении ареста или обыска. Также сообщение судье о повестке, вызывающей в гражданский или криминальный суд.

**REUNIFICATION SERVICES** - Помощь, которая оказывается родителям чтобы вернуть своих детей после того, как они были отняты.

**REVERSE** - Отмена решения нижестоящего суда судом высшей инстанции.

**REVERSIBLE ERROR** - Ошибка, допущенная во время судебного процесса, которая является достаточно серьезной, чтобы оправдать изменение решений нижестоящего суда См. **PREJUDICIAL ERROR**.

**REVOCABLE TRUST** - Траст, который даритель может изменить или отменить.

**REVOKE** - Изменить или вернуть что-либо.

**RIGHTS, CONSTITUTIONAL** - Права человека, гарантированные Конституцией штата или Федерации.

**RIOT** - Общественные беспорядки с применением силы, в которые вовлечены 3 или более лиц.

**ROBBERY** – Кража денег, личной собственности или других ценных предметов принадлежащих другому лицу, с применением силы или запугивания.

**ROUT** - Два или более лиц, объединившихся и действующих совместно, которые намериваются или уже на пути к совершению действий, которые, если будут выполнены, являются бунтом или мятежом.

**RULE** - Установленный стандарт, руководство или инструкция.

**RULE OF COURT** – Правила, изданные судом, имеющим компетентную юрисдикцию. Судебные правила бывают общими и специальными; общими правилами суд руководствуется в своей деятельности; специальное правило является специальным указом или постановлением суда в процессе определенного судебного дела.

**RULES OF EVIDENCE** - Нормы, которыми руководствуются, когда определяют принять ли информацию и рассматривать ее в криминальном или гражданском деле.

**SANCTION** - Денежный штраф, налагаемый за нарушение закона. Например, судья может приказать лицу платить штраф за невыполнение распоряжений суда.

**SATISFACTION OF JUDGMENT** - Оплата расходов проигравшей стороной.

**SEALING** - Запрещение судом доступа к документам судебного дела, исключая сторон, которые участвуют в судебном деле.

**SEARCH AND SEIZURE** - Обыск лица или помещения, выполняемый полицией, и изъятие доказательств, которые можно использовать в расследовании или доказательстве криминального дела.

**SEARCH WARRANT** - Ордер на обыск какого-либо помещения с целью найти нужных людей или вещи. Судья может отдать приказ на обыск, если есть необходимая по закону причина.

**SECURED DEBT** - В судебном деле о банкротстве долг должника защищен или гарантирован, если он дал кредитору право вступить во владение собственностью или товаром, используемым как дополнительное обеспечение.

**SELECTION AND IMPLEMENTATION HEARING** - Слушание дела о неудачном воссоединении ребенка с родителями в соответствии с WELFARE AND INSTITUTIONS CODE, раздел 366.26, для того, чтобы решить лишить ли родителей прав на ребенка и отдать его на усыновление, назначить опекунов или организовать постоянное проживание.

**SELF-DEFENSE** - Заявление, что действие было законно и оправдано, потому что была необходимость защитить лицо или собственность от угрозы другого лица или его действий.

**SELF-INCRIMINATION** - Поступки или заявления лица, которые вовлекают его в совершение преступления.

**SELF-PROVING WILL** - Завещание, подписанное под страхом наказания за лжесвидетельство двумя людьми, которые ничего не получают по завещанию.

**SENTENCE** - Официальное объявление судьей приговора, вынесенного судом подсудимому, признанному виновным в преступлении.

**SENTENCE REPORT** - Документ, составленный на осужденного, подготовленный для судьи, который руководствуется им при объявлении приговора. Другое название "PRE - SENTENCE REPORT".

SENTENCE, CONCURRENT - Два или более приговоров о тюремном заключении, которые осужденный должен отбыть одновременно.

SENTENCE, CONSECUTIVE - Два или более приговора о тюремном заключении, которые осужденный должен отбыть в последовательном порядке.

SENTENCE, SUSPENDED - Отсроченный приговор, в соответствии с которым обвиняемый не заключается в тюрьму до тех пор, пока не совершит еще одно преступление или нарушит установленные судом правила поведения.

SENTENCING - Слушание дела о назначении наказания осужденному.

SEPARATE MAINTENANCE - Назначенное судом денежное пособие, которое должен выплачивать один из супругов другому на его содержание пока супруги живут отдельно, но еще не разведены.

SEPARATION - Договоренность по обоюдному соглашению или по решению суда, по которой супруги живут раздельно, оставаясь официально женатыми.

SEQUESTRATION OF WITNESSES - Запрещение всем свидетелям (исключая истца и ответчика) появляться в зале, где происходит судебное слушание, кроме времени дачи их показаний, и предупреждение не обсуждать свои показания с другими свидетелями. Другое название – SEPARATING OF WITNESSES – разделение свидетелей. Эта мера исключает влияние на свидетеля предыдущими показаниями.

SERVE A SENTENCE - Пребывание в назначенном месте, таком как тюрьма, в течение определенного времени в качестве наказания за совершенное преступление.

SERVICE - Когда лицо старше 18 лет и не вовлеченное в судебное дело, доставляет стороне, участвующей в судебном деле, копию судебных документов лично или посылает по почте.

SERVICE OF PROCESS - Доставка судебных документов противной стороне. Документы должны быть доставлены взрослым лицом старше 18 лет, не вовлеченным в судебный процесс и клятвенно обещающим доставить документы вовремя.

SETTLEMENT - Когда обе стороны приходят к соглашению, решающему дело прежде, чем судья или жюри вынесут решение.

SETTLOR - Лицо, которое устанавливает траст. Также “GRANTOR”.



**SEVERANCE DAMAGES** - Компенсация, которая может быть присуждена лицу, пострадавшему от потери или нанесения ущерба вследствие лишения чего-либо, например, потери работы.

**SEXUAL ABUSE/ASSAULT** - Противозаконный сексуальный контакт с другим лицом.

**SEXUAL BATTERY** - Насильственное проникновение или контакт с половыми органами другого лица или половыми органами преступника.

**SEXUAL HARASSMENT** - Сексуальные слова, поведение или действия (обычно неоднократные и настойчивые) по отношению к определенному лицу, что беспокоит его, тревожит или вызывает эмоциональное расстройство, и которые не имеют законные намерения.

**SEXUAL MOLESTATION** - Противозаконные сексуальные действия, совершаемые с ребенком родителями, опекунами, родственниками или знакомыми.

**SEXUALLY VIOLENT PREDATOR** - Лицо, обвиняемое в сексуальном насилии двух или более лиц, и которое имеет диагноз душевнобольного, что делает его опасным для общества.

**SHERIFF** - Избранное должностное лицо округа, в обязанности которого входит сохранение спокойствия в пределах его территориальной юрисдикции, а также помощь проведению гражданских и криминальных судебных процессов.

**SHOPLIFTING** - Своевольное похищение и сокрытие товаров из магазина или предприятия с намерением использовать их для личных целей без оплаты их стоимости.

**SHOW CAUSE** - Постановление суда о том, чтобы лицо явилось в суд и представило любое доказательство, почему не были выполнены требования другой стороны.

**SIDEBAR** - Совещание между судьей и адвокатами, обычно происходящее в зале суда и вне предела слышимости жюри или лиц, присутствующих на судебном заседании.

**SLANDER** - Дискредитация личности и репутации лица путем ложных и злобных заявлений. См. **DEFAMATION**.

**SMALL CLAIMS COURT** - Суд, который ведет гражданские дела на сумму \$ 5,000 и менее. Судящиеся стороны обычно представляют сами себя, не нанимая адвоката.

**SODOMY** - Оральные или анальные половые контакты между людьми или между людьми и животными.

**SOLICITATION** - Привлечение кого-либо еще для совершения преступления.

**SOVEREIGN IMMUNITY** - Доктрина, по которой правительство штата или Федерации имеет привилегии не подлежать суду без его согласия.

**SPECIAL CIRCUMSTANCE** - Заявление, что судебное дело или обвинение гарантируют смертный приговор.

**SPECIAL VERDICTS**- Вердикт, в котором даются письменные заключения по каждому вопросу, оставляя судье применить закон.

**SPECIAL INTENT CRIME** - Преступление, для совершения которого, требуется особое психическое состояние преступника.

**SPECIFIC PERFORMANCE** - Средство судебной защиты, требующее, чтобы лицо, которое нарушило контракт, выполнило все условия, которые были согласованы. Издается приказ в случае, если ущерб был недостаточно компенсирован.

**SPEEDY TRIAL** - Право обвиняемого на немедленный суд, что гарантировано Шестой Поправкой Конституции США.

**SPENDTHRIFT TRUST** - Доверительный фонд или траст, по условиям которого лицо, получающее доходы с этого траста, не имеет право отдать или продать его часть. Это значит, что кредиторы этого лица не могут взять деньги из траста.

**SPOUSAL SUPPORT** - Назначенное судом материальное обеспечение супруги или бывшей супруги; также "MAINTENANCE" или "ALIMONY".

**SPOUSE-COHABITANT BEATING** - См. DOMESTIC VIOLENCE.

**STALKING** - Следование за кем-либо украдкой; противозаконное преследование лица или присутствие вблизи него, часто тайное, для того, чтобы беспокоить и раздражать это лицо или для совершения преступления в дальнейшем, такого как нападение или нанесение побоев.

**STANDARD OF PROOF** - Существуют три критерия доказательств, применяемых в большинстве судебных процессов. В криминальных делах преступление должно быть доказано BEYOND A REASONABLE DOUBT- вне всякого сомнения, то есть по самому высокому критерию. В гражданских делах и делах по преступной небрежности применяется самый низкий критерий PREPONDERANCE OF THE EVIDENCE – когда истец должен доказать, что большинство доказательств на его стороне (51 %) В некоторых гражданских делах и в делах о несовершеннолетних, таких как лишение родительских прав, применяется промежуточный критерий

доказательства CLEAR AND CONVINCING EVIDENCE – критерий определяет количество доказательств, которое должно выиграть дело.

STANDING - Законное право возбудить судебный процесс. Только то лицо, которое находится в опасности или под угрозой опасности, имеет право возбудить судебное дело.

STARE DECISES - Доктрина о том, что суды следуют принципам закона, который был установлен в предыдущих судебных делах. То же, что PRECEDENT.

STATEMENT, CLOSING - Заключительное заявление адвоката, обращенное к членам жюри или судье, суммирующее все доказательства, которые были представлены подзащитной стороной, и свидетельства противной стороны, которые она не могла доказать. Так же CLOSING ARGUMENT.

STATEMENT, OPENING - Краткое содержание сущности судебного дела и предварительные доказательства, представленные адвокатом членам жюри, прежде, чем доказательства будут представлены свидетелями. Также OPENING ARGUMENT.

STATEMENT OF FACT - Устное или письменное изложение судебного дела.

STATUS OFFENDERS - Несовершеннолетние лица, обвиняемые в том, что вышли из-под контроля своих опекунов, или которые, как правило, были непослушны, прогуливали занятия в школе или совершали другие проступки, не считающиеся преступлениями, если совершены взрослыми лицами. Эти дети не считаются правонарушителями, но нуждаются в надзоре в зависимости от законов штата, в котором они проживают. Таких нарушителей помещают под надзор суда для несовершеннолетних. См. PERSON IN NEED OF SUPERVISION.

STATUTE - Закон, принятый Конгрессом или Законодательством штата.

STATUTE OF LIMITATIONS - Закон, определяющий в течение какого времени после происшествия можно подать заявление в суд об открытии дела.

STATUTORY - Относящийся к закону; созданный, определенный или требуемый по закону.

STATUTORY ACTIONS - Действия, относящиеся или согласованные с законом; установленные или требуемые законом действия.

STATUTORY CONSTRUCTION - Процесс толкования значений законов и сферу их применения на суде.

STATUTORY LAW - Закон, изданный законодательным отделом правительства в отличие от CASE LAW или COMMON LAW.

**STATUTORY RAPE** - Противозаконная сексуальная связь с лицом, возраст которого младше разрешенного законом, не зависимо от того, была ли эта связь по обоюдному согласию.

**STAY** - Прекращение судебного разбирательства постановлением суда.

**STAY OF EXECUTION** - Приказ о прекращении выполнения действия, например, отмена судебного приговора. Это постановление может быть даровано в ответ на просьбу осужденного или в соответствии с законом. Например, CALIF. PENAL CODE SECTION 654.

**STIPULATION** - Согласоваться с чем-то.

**STRICT LIABILITY** - Концепция, применяемая судами в делах об ответственности за продукты, в соответствии с которой продавец отвечает за любой испорченный или опасный для здоровья продукт, который угрожает личной безопасности покупателя.

**STRICKEN EVIDENCE** - Доказательство, которое было изъято из документации судебного дела.

**STRIKE** – (1) Стереть или убрать; (2) отклонить необоснованное заявление перед вынесением приговора; (3) Серьезное преступление, совершенное в прошлом предявляется как дополнительный пункт, second strike, third strike, etc.

**SUA SPONTE** - Когда судья делает то, о чем его не просили стороны в судебном процессе. Перевод с латинского “по своей воле”.

**SUB CURIA** - Перевод с латинского “под законом”. Держать дело на рассмотрении, иногда ожидая подачи документа, такого как доклад о расследовании или меморандум закона или чтобы написать мнение.

**SUBMIT** - Подчиняться воле другого лица.

**SUBPOENA** - Официальная повестка явиться в суд в назначенное время. Обычно повестка посылается свидетелям, которые должны явиться в суд для дачи показаний.

**SUBPOENA DUCES TECUM** - Распоряжение суда принести в суд документы или анкетные данные в назначенное время.

**SUBROGATION** - Заменить одно лицо другим по законному требованию.

**SUBSTANTIAL PERFORMANCE** - Когда одна сторона честно выполнила существенные и материальные пункты контракта и единственное невыполнение касается технических и незначительных условий.

**SUBSTANTIVE LAW** - Закон о правах, обязанностях и ответственности, в отличии от **PROCEDURAL LAW**, который определяет технические аспекты проведения в жизнь гражданских и уголовных законов.

**SUCCESSION** - Приобретение права на собственность лица, умершего без завещания.

**SUE** - Начать судебное дело ,чтобы восстановить права.

**SUIT** - Судебное дело одного или нескольких лиц против другого лица.

**SUMMARY JUDGMENT** - Решение дела судьей без судебного процесса. Решение судьи основывается на документах, представленных обеими сторонами.

**SUMMONS** – (1) Судебная повестка обвиняемому о том, что против него или нее возбуждено судебное дело или что он или она обвиняются в преступлении и обязаны явиться в суд; (2) Повестка жюри с требованием, чтобы лицо, получившее ее, доложило о возможном его исполнении обязанностей члена жюри.

**SUPERSEDEAS** - Распоряжение, изданное апелляционным судом, наложить статус кво на решение, находящееся на рассмотрении суда.

**SUPPORT TRUST** - Траст, по условиям которого, доверенное лицо имеет право выплачивать сумму, необходимую получателю для обеспечения его существования.

**SUPPRESS** - Остановить или положить конец чьим-либо действиям. См. **EXCLUSIONARY RULE**.

**SUPPRESSION HEARING** - Слушание прошения обвиняемой стороны о запрете использовать свидетельство, которое было получено, по словам обвиняемого, путем нарушения его прав. Это слушание происходит без присутствия жюри до или во время суда.

**SURETY BOND** - Страховой полис, полученный обвиняемым в национальной страховой компании, по которому страховая компания согласна заплатить сумму залога, необходимую для освобождения обвиняемого, в случае, если обвиняемый не явится в суд в назначенное время. Также **FIDELITY BOND**.

**SURVIVORSHIP** - См. **JOINT TENANCY**.

**SUSPEND** - Отсрочить, приостанавливать или задержать условия приговора суда на определенный период времени.

**SUSTAIN** - Поддержать, подтвердить, одобрить.

**SWEAR** - Дать клятву говорить правду.

**TANGIBLE** - Ощутимый, осязаемый при прикосновении.

**TANBIGLE PERSONAL PROPERTY MEMORANDUM (TPPM)** - Правовой документ, относящийся к завещанию и используемый в качестве руководства при распределении личной собственности, которую можно передвигать или потрогать. Например, мебель, компьютер, драгоценности или произведения искусства.

**TAXATION OF COSTS** - Процесс установления и обложения налогом издержек в судебном деле, за которые ответственна сторона, или издержек, подлежащих налогообложению.

**TEMPORARY RELIEF** - Форма деятельности суда, который отдает приказ одной из сторон защитить свои интересы в ожидании дальнейших действий суда.

**TEMPORARY RESTRAINING ORDER (TRO)** - Постановление суда о том, что лицо не должно делать то, что могло бы причинить непоправимый вред.

**TENANCY** - Право на владение недвижимостью.

**TESTAMENT** - Распределение личной собственности по завещанию. См. **WILL**.

**TESTAMENTARY CAPACITY** - Законное право сделать завещание. Для того, чтобы сделать завещание, лицо должно быть не младше 18 лет, знать какой собственностью оно владеет и знать кому завещать свою собственность.

**TESTAMENTARY DISPOSITION** - Распоряжение собственностью в виде подарка, пока даритель не сделает это или до определенного события.

**TESTAMENTARY GUARDIAN** - Опекун ребенка, назначенный отцом в своем последнем завещании, который ответственен за недвижимую собственность и личное состояние ребенка до тех пор, пока он не станет совершеннолетним.

**TESTAMENTARY TRUST** - Траст, утвержденный в завещании. Траст не имеет силы до тех пор, пока не умрет лицо, составившее завещание.

**TESTAMENTARY TRUSTEE** - Лицо, назначенное выполнять условия траста, учрежденного в завещании.

TESTATE - Тот, кто умер оставив завещание, или тот, кто сделал завещание.

TESTATOR - Мужчина сделавший завещание ( женщина – TESTATRIX ).

TESTATRIX - Женщина, сделавшая завещание ( мужчина – TESTATOR ).

TESTIFY - Дать показание под клятвой в качестве свидетеля на суде.

TESTIMONY - Устное свидетельство на суде или показание под присягой.

THEFT - Похищение или взятие чьей-либо собственности без согласия владельца.

THIRD-PARTY - Лицо, предприятие или государственное учреждение, которые не участвуют активно в судебном процессе, соглашении или сделку.

THIRD-PARTY CLAIM - Действия ответчика, который пригласил на суд третью сторону.

THREE STRIKES LAW - Закон, по которому лицо, обвиняемое в преступлении, и которое совершило ранее два или более серьезных и жестоких преступлений, приговаривается к пожизненному заключению.

TIME SERVED - Приговор, вынесенный судом обвиняемому, о заключении его в тюрьму на срок, равный времени, которое он провел в заключении в процессе судебного разбирательства.

TIME WAIVER - Когда лицо отказывается от права на определенную стадию судебного процесса, происходящего в пределах обычно установленного времени.

TITLE - Владение или доказательство на право владения землей или собственностью.

TORT - Когда кто-то не сделал то, что должен был сделать и тем самым нанес ущерб какому-нибудь лицу. Обычно это ущерб, нанесенный в результате автомобильной аварии, за что пострадавший подает в суд. См. EX DELITCO.

TORTURE - Причинение сильной физической или душевной боли для того, чтобы наказать, получить признание или информацию или как проявление садизма.

TRANSACTIONAL MALPRACTICE - Профессионально неправильные действия, отсутствие умения выполнять свои профессиональные обязанности, противозаконное или аморальное поведение в ведении дел и управлении бизнесом.

TRANSCRIPT - Запись процесса слушания дела или судебного разбирательства.

**TRANSFERRED INTENT** - Доктрина, по которой преступные действия против одного лица переносятся на другое лицо, которое фактически страдает от их последствий. Когда кто-то пытается убить определенное лицо, но по ошибке убивает другое лицо, то его неудавшееся убийство первого лица считается совершенным убийством.

**TRANSITORY** - Действие, которое могло бы произойти в любом месте.

**TRAVERSE** - Когда ответчик отрицает любые факты, представленные истцом.

**TRESPASSING** - Незаконное вмешательство в собственность или права какого-либо лица.

**TRIAL** - Процесс судопроизводства, на котором слушаются и разбираются вопросы и представленные факты в соответствии с законом, чтобы судья или жюри могли принять решение.

**TRIAL DE NOVO** - Новый или повторный суд, заседающий в здании апелляционного суда, на котором слушается все дело так, будто оно не разбиралось в нижестоящем суде.

**TRIAL COURT** - Первый суд, рассматривающий дело. Обычно это суд высшей инстанции. Сравни с **APPELLATE COURT**.

**TRIAL, COURT (BENCH)** - Суд, на котором дело слушается только судьей без присутствия жюри.

**TRIAL, SPEEDY** - Шестая Поправка Конституции гарантирует обвиняемому лицу немедленный суд в соответствии с существующими правилами, постановлениями и законным судебным процессом.

**TRIAL STATUS/SETTING CONFERENCE** - См. **PRETRIAL SENTENCE**.

**TRIER OF FACT** - Жюри или судья без присутствия жюри, которые обязаны делать заключения по фактам доказательств, а не по правилам, установленным законом.

**TRO** - См. **TEMPORARY RESTRAINING ORDER**.

**TROMBETTA MOTION** - Прошение к суду отклонить свидетельство по причине что оно утрачено.

**TRUE BILL** - Подпись, поставленная гранд жюри на вердикте, подтверждающая, что было установлено достаточно доказательств для открытия судебного процесса на основании выдвинутых обвинений.



**TRUE FINDING** - Решение суда для несовершеннолетних, эквивалентное вердикту признать виновным.

**TRUE TEST COPY** - Копия судебного документа с печатью клерка , но не заверенная.

**TRUST** - Траст; законный способ распоряжения земельной и личной собственностью, когда одно лицо (даритель) распоряжается своей собственностью в пользу другого лица (бенефициар). Третье лицо (доверительный собственник или опекун) распоряжается вверенным ему трастом. В судебном деле о дорожно-транспортных происшествиях траст- это счет, на который начисляется залог за обвиняемого, чтобы обеспечить его явку в суд.

**TRUST AGREEMENT OR DECLARATION** - Юридический документ, устанавливающий траст.

**TRUSTEE** - Лицо или организация , которая распоряжается собственностью, вложенной в траст.

**TURNCOAT WITNESS** - Свидетель, который должен был дать показания в пользу одной стороны, но дал показания в пользу противной стороны.

**UNCONSCIONABILITY** - Условия контракта, которые необоснованно выгодны для одной стороны, и отсутствие обоснованного выбора для другой стороны.

**UNCONSTITUTIONAL** - То, что противоречит или в конфликте с Федеральной конституцией или Конституцией штата.

**UNDERCOVER** - Лицо, участвующее в секретном расследовании для того, чтобы получить информацию о преступлении без ведома этой стороны.

**UNDERTAKING** - Обещание, данное во время судебного процесса одной стороной или ее адвокатом, которое обычно является условием для получения некоторой уступки со стороны суда или третьей стороны.

**UNDUE INFLUENCE** - Когда какое-либо лицо заставляет другое лицо, которое составляет завешание, включить в завешание или исключить из него людей или вещи.

**UNDER THE INFLUENCE** - Любое ненормальное умственное или физическое состояние, являющееся результатом интоксикации алкоголем, которое лишает человека ясности мысли и контроля своих действий, и которое в противном случае было бы нормальным.

**UNEMPLOYMENT** - Положение или обстоятельства, когда человек не работает.

UNILATERAL - Односторонний; имеющий отношение к одному из двух или более лиц или вещей.

UNJUST ENRICHMENT, DOCTRINE OF - Закон, по которому лицо не должно обогащаться за счет другого лица, и ему должно быть предъявлено требование возместить ущерб за собственность или выгоду, которые он получил.

UNLAWFUL ASSEMBLY - Собрание трех или более лиц в целях нарушения общественного спокойствия или совершения противозаконных действий с применением силы.

UNLAWFUL DETAINER - Бумаги о выселении (Требования и жалобы), которые дает владелец дома своему съемщику.

UNRUH CIVIL RIGHTS ACT - Этот закон обеспечивает защиту от дискриминации всеми деловыми предприятиями Калифорнии, включая жилые и общественные здания, на основе возраста, цвета кожи, инвалидности, национальности, расы, пола или сексуально ориентации.

UNSECURED - В судебном процессе о банкротстве иск о возмещении убытков не может быть гарантирован, если иск не обеспечен собственностью или стоимостью собственности меньше чем сумма долга.

USURY - Взимание процентов за услуги выше, чем разрешено законом.

UTTER - Использование или попытка использовать чек, вексель или ордер для того, чтобы (1) заявить, что документ подлинный; (2) представить его другому лицу как подлинный.

VACATE - Объявить действие недействительным; отклонить, отказать.

VAGRANCY - Бродячий образ жизни лица, не имеющего дома, работы и средств существования.

VANDALISM - Умышленные или злостные действия с намерением повредить или разрушить общественную или личную собственность.

VEHICULAR HOMICIDE - Преступление в результате противозаконного вождения автомобиля. Намеренное действие или небрежность могут стать основой для такого обвинения. Каждый штат имеет свои законы для элементов этого преступления.

VENIRE - Группа людей, вызванных для возможного исполнения обязанностей жюри. Латинское значение этого слова – “прийти”.

VENUE - Суд, в который подают заявление о возбуждении дела.

VERDICT – Решение, вынесенное судьей или жюри.

VERIFICATION - Устное или письменное заявление, обычно под присягой, утверждающее, что какой-то факт является правдой.

VEXATIOUS LITIGANT - Лицо, известное как неоднократный возбудитель судебных дел, которые не заслуживают внимания.

VICARIOUS RESPONSIBILITY - Деятельность или исполнение обязанностей вместо кого-то.

VICTIM - Лицо, являющееся объектом преступления или нарушения гражданского права.

VICTIM IMPACT STATEMENT - Заявление, сделанное во время вынесения приговора, которое информирует судью о воздействии преступления на жертву или семью жертвы.

VIOLATION - Нарушение права, долга или закона.

VIOLATION OF PROBATION - Новое обвинение против осужденного в том, что он нарушил правила отбывания испытательного срока.

VISITATION - Время пребывания ребенка с родителем, который не имеет права опеки.

VOIR DIRE - Процесс опроса возможных членов жюри, чтобы выбрать жюри, которое будет решать судебные дела. Перевод латинского слова "говорить правду".

VOLUNTARY ARRAIGNMENT LETTER - Официальное извещение, посланное Окружным прокурором обвиняемому, с указанием даты, времени и помещения в суде куда он должен явиться по поводу новых обвинений, выдвинутых против него, и за которые он не давал заверенного подписью обещания явиться в суд.

VOLUNTARY MANSLAUGHTER - Убийство, совершенное по своей воле в момент гнева, например, во время внезапной ссоры и драки двух человек, когда один убивает другого.

VOLUNTARY UNDERTANKING - Действия, которые не сдерживаются чьим-либо вмешательством, спонтанные или по своей воле действия.

WAIVE (RIGHTS) - Отказаться от законного права добровольно, намеренно и с полным пониманием последствий.

**WAIVER AND ESTOPPEL** - Добровольный отказ от права, привилегий или выгоды.

**WAIVER OF IMMUNITY** - Закон, по которому свидетель прежде, чем дать показания или представить доказательства, может отказаться от своего права не давать показания против себя и тем самым разрешить использовать его показания против себя в будущем судебном разбирательстве.

**WARD** - Ребенок, который находится на попечении суда, а не родителей.

**WARD OF THE COURT** - Лицо младше 18 лет, нарушившее криминальный закон и находящееся под опекой и наблюдением суда.

**WARRANT** - Приказ суда должностному лицу выполнить что-либо.

**WARRANT, ARREST** - Распоряжение, отданное полицейскому арестовать и привести в суд лицо, обвиняемое в преступлении, для того, чтобы начать судебное дело.

**WARRANT, SEARCH** - Письменное постановление, данное полицейскому, провести обыск определенного места и взять доказательства, относящиеся к преступлению.

**WEAPON** - Инструмент, используемый или созданный для использования в целях угроз, нанесения повреждения или убийства.

**WEAPON, CONCEALED** - Оружие, которое носит при себе лицо и которое не видимо для других лиц.

**WEAPON, DEADLY** - Оружие, устройство, инструмент, материал или предмет одушевленный или неодушевленный, которые при применении или намерении применить могут причинить смерть или серьезные телесные повреждения.

**WEIGHT OF THE EVIDENCE** - Убедительность одного из доказательств в сравнении с другими доказательствами, представленными не суде.

**WHEELER MOTION** - Прошение к суду распустить жюри по причине того, что прокурор вывел из состава жюри особый класс людей, например, черных, женщин и т.п.

**WILL** - Законный документ, в котором говорится, что лицо хочет завещать свою собственность в пользу другого лица, которую оно получит после смерти завещателя. Завещание может быть изменено или аннулировано в любое время жизни завещателя.

**WILLFUL** - Преднамеренное действие – это действие, совершаемое намеренно в отличие от действия, совершаемого по невнимательности или неосторожности.

**WITH PREJUDICE** - Приказ суда прекратить судебное дело, означающий, что истец не имеет право возбудить это дело еще раз.

**WITHOUT PREJUDICE** - С сохранением права. Когда права или привилегии не потеряны. Если дело закончилось “с сохранением права”, то можно возбудить новое дело по тому же вопросу.

**WITNESS** – (1) Лицо, вызванное в суд для дачи показаний о том, что он или она слышали, видели или что им известно; (2) Поставить подпись на документе, подтвердив его подлинность.

**WITNESS STAND** - Место в зале суда, где свидетель дает показания.

**WITNESS, DEFENSE** - Свидетель, вызванный защитой, чтобы оказать помощь в доказательстве.

**WITNESS, EXPERT** - Лицо, которое в силу своих знаний, умения, опыта и образования может высказать свое научное, техническое или специализированное мнение о предмете, о котором даются показания в суде. Такими качествами обычно не может обладать рядовой человек.

**WITNESS, HOSTILE** - Свидетель, который не желает оказать помощи в деле.

**WITNESS, MATERIAL** - Свидетель, который может дать показания по специальному вопросу, по которому не могут дать показания другие лица или могут дать очень немногие.

**WITNESS, PROSECUTION** - Лицо, которое обращается в суд с обвинением лица в криминальных действиях, и показания которого рассчитаны на то, что обвиняемый будет признан виновным.

**WOBLER** - Уголовное преступление, за которое преступника приговаривают к тюремному заключению в окружную (misdemeanor) или в государственную тюрьму (felony), и которое может быть уголовным или мелким преступлением

**WORK FURLOUGH** - Исправительная программа, по которой заключенным и тем заключенным, которые готовятся к освобождению, разрешается выходить из тюрьмы днем чтобы продолжать работать, но они обязаны вернуться в тюрьму на ночь и выходные дни.

**WORK PROJECT** - Программа, по которой осужденные лица могут выполнять принудительные работы вместо отбывания срока заключения в тюрьме.

WRAP AROUND SERVICES - Специальные общественные учреждения, помогающие семьям, дети которых проживают или возможно будут проживать в чужих семьях на обеспечении государства. Эти учреждения созданы для того, чтобы снизить количество домов для проживания чужих детей и способствовать проживанию детей со своими родителями.

WRIT - Постановление суда о выполнении какого-либо действия.

WRIT OF EXECUTION - Приказ суда шерифу привести в исполнение решения суда.

WRIT OF MANDATE - Прошение о том, чтобы принудить суд, должностное лицо или агентство выполнить обязанность, требуемую законом, или принудить суд осуществить юрисдикцию или применить дискреционное право после отказа действовать.

